INQUIRY

MAGAZINE

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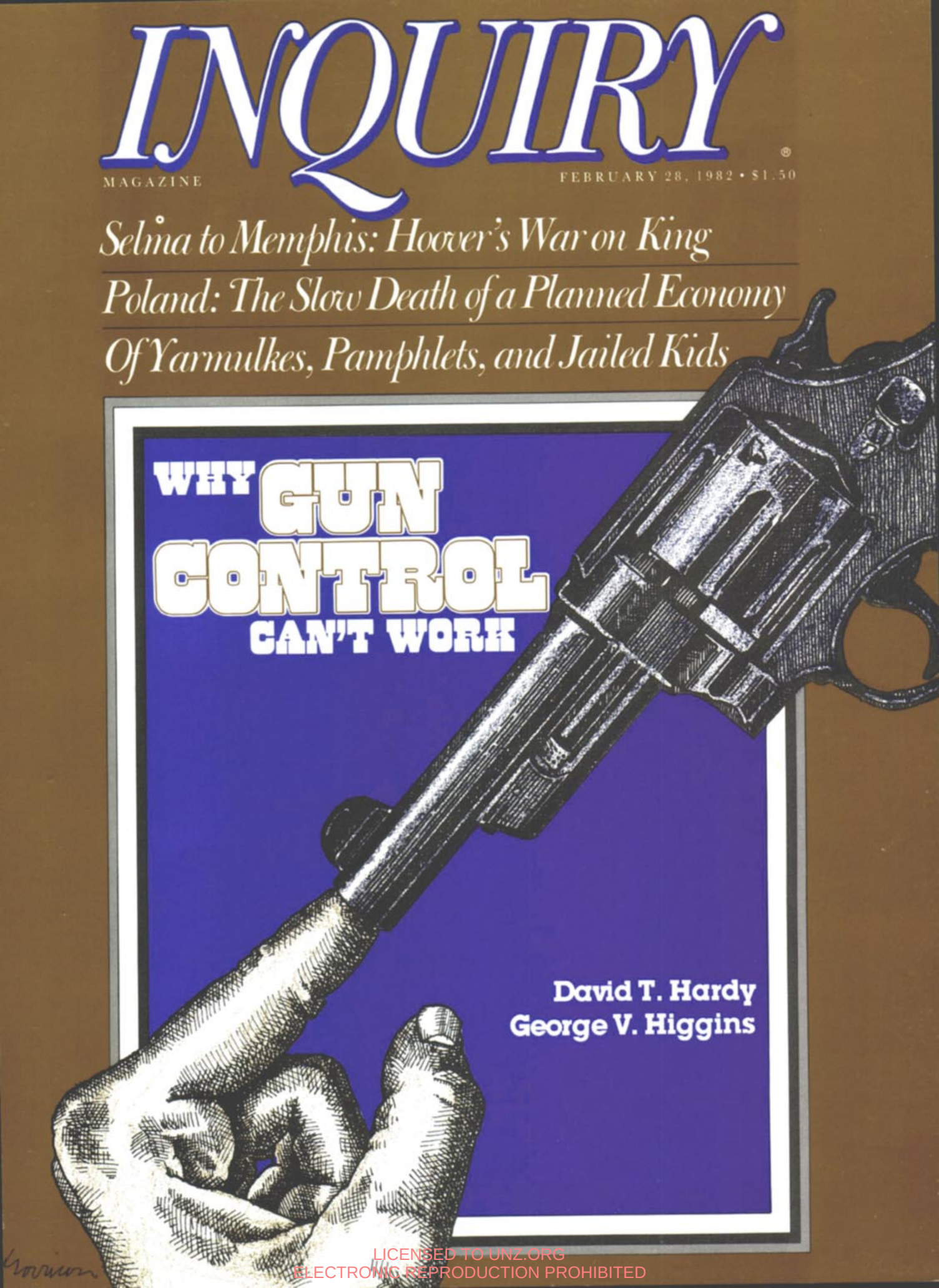

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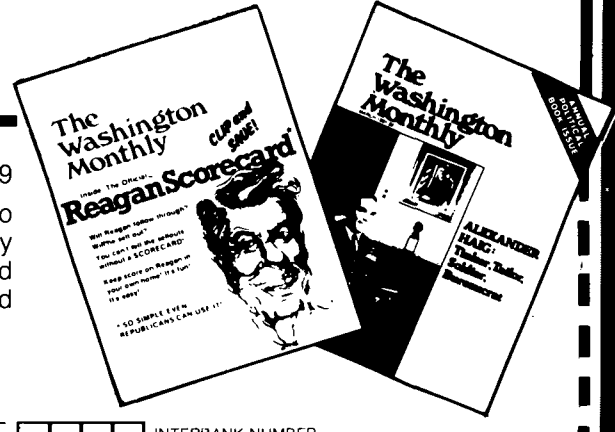

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INQUIRY®

FEBRUARY 28, 1982

Why Gun Control Can't Work

DAVID T. HARDY, GEORGE V. HIGGINS **p. 15**

The 'leap of hope and faith' behind gun-control laws in New York and Hawaii wasn't enough to save John Lennon. These laws don't stop the Chapmans and Hinckleys—they punish the innocent.

Lights Out in Poland

PAUL M. JOHNSON **p. 22**

Build steel mills hundreds of miles from seaports ... deny efficient farmers fertilizer ... borrow billions you can never hope to repay ... and other Polish jokes from a planned economy.

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Cover illustration by PAT MORRISON

A WORD FROM THE PUBLISHER

IN POLITICS, "CENTRAL planning" serves as a convenient euphemism for the efforts of an individual, committee, or group to impose its will, by force, on others. Paul M. Johnson's dissection of the Polish economy is a convincing illustration of the tragic consequences of political control over economic decisions.

Advocates of central planning, of course, come in all shapes, sizes, and nationalities. Indeed, some who share our horror over Poland's recent crisis wouldn't hesitate to centrally plan our lifestyles or our personal moral views, while others who make a career out of denouncing economic concentration seek merely to substitute their own version of enforced order. Those who value freedom for its own sake, however, reject the notion that peace, prosperity, and happiness can be established by edict, and resist the efforts of central planners of all persuasions.

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RES PUBLICA

Slurred sentences

■ The U.S. Supreme Court, declaring that the duration of prison sentences for felonies is "purely a matter of legislative prerogative," upheld yesterday the constitutionality of a 40-year prison sentence imposed on a Virginia man for possession and distribution of nine ounces of marijuana worth about $200. . . .

The . . . opinion [was] written by Associate Justice William H. Rehnquist.

—*San Francisco Chronicle, Jan. 12, 1982*

■ For months lawyers arguing before the U.S. Supreme Court had noticed something peculiar about Associate Justice William H. Rehnquist's speech. His sentences were sometimes interrupted with embarrassing pauses; he stuttered and slurred his syllables—and occasionally other justices would finish his questions for him. Last week the reason became clear. . . . the 57-year-old Justice had been taking high doses of a pain-killing drug for chronic back problems . . . [causing] temporary "disturbances in mental clarity."

—*Newsweek, Jan. 11, 1982*

Reel socialist realism

■ The Soviet state film organization, Goskino, illegally duplicates Western films, including pornographic movies, and makes the copies available to high Soviet officials, two Soviet projectionists have reported. . . .

The most popular films for Soviet leaders, according to film logs at Goskino, are pornographic films, adventure films (such as James Bond and karate films) and movies that have been denounced in the Soviet press for their anti-communist content. . . .

[The projectionists] said delegates to last February's Congress of the Soviet Communist Party listened to speeches about Lenin and the party during the day and were entertained in the evening with "Dirty Harry" . . . and "Natural Size," a French-Italian film about a dentist who takes a life-sized rubber doll as his mistress.

—*San Francisco Chronicle, Dec. 27, 1981*

Sex education for teachers

■ Public school officials here [in Louisville, Ky.] are formulating a policy covering strip searches of pupils in response to an incident in which 26 third graders were forced to undress and were then searched by at least three teachers.

The children, pupils at the Frayser Elementary School on Louisville's south side, were searched Nov. 30 when a teacher found that $4 collected in a raffle was missing. Several girls were forced to undress. The money was found later in a student's locker.

—*New York Times, Dec. 13, 1981*

■ Three junior high students and their parents have filed a $1.5 million suit against city and school officials [in Blytheville, Ark.] over strip searches conducted while the police were searching for drugs. . . .

A bottle of pills was found at the school, but its contents have not been disclosed. No arrests were made.

—*New York Times, Dec. 14, 1981*

Slacks and jacket optional

■ CBS News said Monday that it will purchase several bulletproof vests for camera crews, correspondents and others who cover President Reagan.

The vests were requested by several camera crew members, who pointed out that Secret Service agents and others close to the President wear them occasionally.

Bill Headline, assistant news director, said the issue arose in early December—before reports surfaced that Libyan leader Moammar Kadafi had sent "hit squads" to the United States.

"Frankly, I think the whole thing has gone away," Headline said of the alleged assassination teams. Nevertheless, he said the vests, which cost more than $115 each, will be purchased.

—*Los Angeles Times, Jan. 12, 1982*

Purified with extreme prejudice

■ Iran's Islamic leader, the Ayatollah Ruhollah Khomeini, said his regime "has not killed a single man," although the official media has reported the execution of several thousand government opponents. Khomeini, meeting with the country's top officials to mark the birthday of prophet Mohammed, said the prophet's wars were to purify nations and "those who prevent moral purification must be eliminated." "In appearance," he said, "this can seem like a mass killing to people, but in reality, it amounts to getting rid of obstacles to humanity—Iran purifies them if it can, or if not, it eliminates them."

—*Los Angeles Times, Jan. 14, 1982*

He claims they were undercover FBI agents

■ John F. "Jack" Gregorio, former head of a parents' group campaigning against sex education books in public libraries, was sentenced to a year in [Hillsborough, Fla.] county jail and 10 years probation Friday for sexually molesting two children.

—*Miami Herald, Dec. 12, 1981*

Those not in agreement were shown the door

■ Michael Foot, leader of Britain's opposition Labor Party, startled passengers aboard a British Airways flight by taking to the public address system and launching into an impromptu monologue, the Sunday Telegraph reported.

The conservative newspaper quoted a passenger aboard Friday's Oslo-to-London flight, architect Desmond Nears-Crouch, as saying Foot conducted a "garbled" political harangue, denounced Prime Minister Margaret Thatcher and promised to arrange more drinks for the passengers.

—*Washington Post, Jan. 18, 1982*

And nobody showed on Chinese New Year

■ An audit of days off taken by Social Security workers for religious reasons raises eyebrows. One employe was off on Good Friday—and on Passover, too. Another took a religious holiday to attend a church picnic. "On some days, work units were paralyzed when up to 75% of the work force was absent for claimed religious observances," an inspector general's report states.

—*Wall Street Journal, Jan. 22, 1982*

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The New Right takes aim

Moral imperialists

FOR OVER A YEAR NOW, THEY HAVE watched and waited from the national sidelines, spoiling for the fight, confident that Ronald Reagan would soon call them forth to arms and lead their self-righteous crusade to purify America. These hardened brigades of New Right moral imperialists have not waited idly, however. Intent on enforcing their set of rigid, doctrinaire political and religious beliefs on an entire nation, they have provoked skirmishes in countless states, and successfully threatened the rights of thousands of citizens. This year they're prepared to wage war on a national level, and the rights of not just thousands but hundreds of millions of Americans are imperiled.

The basic agenda of the far right has become frighteningly familiar to anyone who has observed the televised rantings and ravings of Moral Majority leader Jerry Falwell, or attended a recent cross-burning by the Ku Klux Klan. At the heart of their agenda is a dangerous instinct to purge the nation of anything the far right considers anti-American, anti-family, or anti-God. To this end, the leaders of the moral imperialists have expressed open contempt and hostility toward constitutional rights most Americans take for granted. They have encouraged widespread censorship of books, periodicals, and dramatic performances. They successfully threatened the television industry with a boycott of the sponsors of individual programs they deemed offensive. And they regard any claims to individual privacy—especially sexual privacy—with undisguised rancor. But while their broad agenda, their litany, has become increasingly familiar, it has been dangerously ignored by many people who underestimate the fanaticism of its adherents.

The elaborate details of this litany have been incorporated into a piece of proposed legislation that bears the cunning, if bizarre, title of the "Family Protection Act." Having waited a year for Reagan to implement an economic program, the moral imperialists are now prepared to move with or without Reagan. They will open fire with all of their guns to pass the Family Protection Act and an assortment of equally odd pieces of legislation. And if they have their way, it will not be long before American citizens

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encounter empty newsstands, blank movie-screens, and cops in their bedrooms.

There is already a long list of victims—individuals, institutions, and organizations—who have encountered heavy fire from the moral imperialists. In Plano, Texas, this list includes the name of every teacher who allowed students to express their own opinions in a classroom. (Moral imperialists said it was wrong to ask a student's opinion on any subject because to do so denied a concept of absolute right and wrong.) In Selma, Alabama, the list includes the name of veteran moral imperialist Anita Bryant, and countless other residents of that city. (Moral imperialists publicly ostracize divorced persons like Bryant as being "anti-family." They also argue that individuals reared in single-parent households following the death of a parent have not grown up in a "family.") In Easton, Maryland, the list ironically includes the name of active moral imperialist Robert Bauman, a former congressman who relinquished his seat in the House of Representatives following his arrest for a victimless homosexual act. (Moral imperialists fight every effort to remove victimless crimes from the books.) In Putnam County, New York, the list includes the name of every salesclerk in any of the county's 100 retail stores that sell any obscene magazine, including *Playboy* and the *National Lampoon*. (Moral imperialists in that county forced through the county board of legislators a resolution "suggesting" that the covers of these magazines be hidden from the view of potential customers; the suggestion was strong enough to get 100 percent compliance.) In San Francisco, the list includes the name of every male and female gay person. (Moral imperialists in an anti-gay crusade in that city declared that all gays should be executed.) In New York City, the list is extensive, including the name of every Jewish and Roman Catholic person in the five boroughs. (In a virulent display of anti-Semitism and anti-Catholicism, moral imperialists singled out both groups for backhanded attacks, suggesting that Roman Catholics were not Christians and that Jews somehow "controlled" the city.) In Washington, D.C., the list includes the name of every member of the District of Columbia city council who voted to decriminalize sodomy between consenting adults in private, and the name of every member of the U.S. House of Representatives who voted against the Moral Majority's successful defeat of that D.C. sexual reform act in Congress. And nationally the list includes the name of every citizen who voiced skepticism or opposition to the recent AWACS sale to Saudi Arabia. (Moral imperialists were prepared to condemn any opponent of the AWACS sale as a traitor.)

Unfortunately, these victims of moral imperialism will not be alone for much longer. Too many Americans have casually dismissed the far right as just a group of latent book-burners too inept to open a matchbox. Their never-say-die determination to impose their will on the nation has been disregarded, with perilous results. Successfully knocking books off library shelves and banning school productions of musicals only encourages more attempts at ever wider censorship. And a docile, compliant public, perhaps initially amused by the ravings of a television evangelist, only assures the moral imperialists that their opponents are soft.

As the moral imperialists bring their legislation to Congress this year, we encourage a resistance to their legislation that is so fierce they will believe themselves set upon by demons. The stakes are enormous. Certain provisions of the Family Protection Act would require enforced daily prayer in public schools. Other provisions would explicitly deny constitutional rights to gay citizens—and thereby open the doors not only to a full-scale attack on the civil liberties of gays, but on those of any minority deemed offensive or expendable by the leaders of the moral imperialists.

The moral imperialists recognize no boundaries. They are driven by a dark determination to eliminate everything they consider anti-American, and a number of pieces of legislation they support would enable such a purge. They are sophisticated in the exploitation of volatile emotional issues that polarize communities. They force individuals to take a "pro" or "con" position on an issue on which the individuals may previously have been neutral, if not indifferent. This tactic distracts attention from the basic issue of personal rights. For instance, in their chronic attack on gays, moral imperialists demand that Americans declare themselves either "pro-gay" or "anti-gay." They then offer hysterical and ridiculous examples of occasional excesses of gay lifestyles to "prove" that "pro-gay" citizens favor what they deem to be the "decay" of America. This kind of fight distracts everyone from what might seem to be an obvious point: that one can advocate the right of gays to whatever lifestyle they choose without at the same time *endorsing* that lifestyle.

As the stakes rise, as the far right raises issues that should have been forgotten long ago, their ultimate designs on the country become transparent—and demand immediate and outspoken opposition. The moral imperialists have placed their support behind efforts to legalize unlimited surveillance of individual citizens. As they have before, they'll disguise their intentions with language claiming that support of surveillance is pro-American and opposition is anti-American. In other words, those who oppose them are guilty of treason. The constitutional issue of individual rights of privacy could easily be lost in their shuffle. The far right will have exploited, once again, a volatile emotional issue that pits citizen against citizen in rhetorical combat, while distracting them from the steady erosion of their civil liberties. And should the right succeed in passing both their agenda of rigid social conformity and their plans for unlimited domestic surveillance, the result can only be a vast law-enforcement network to watch for the many new "crimes" they have created. If we stand by and watch and wait, then on a day in the very near future the rhetorical combat they exploited will be remembered as a luxury once enjoyed under a revoked clause known in the old days as the First Amendment.

The rotten state of the union

False promises

EVERY NEW YEAR, AS THE MONTH OF January comes to a close, the president of the United States treats Americans to a roll call of his marvelous accomplishments and exalted dreams for the future. The annual ritual is called the State of the Union Address. This year's speech was no exception to the norm. Ronald Reagan spoke grand-

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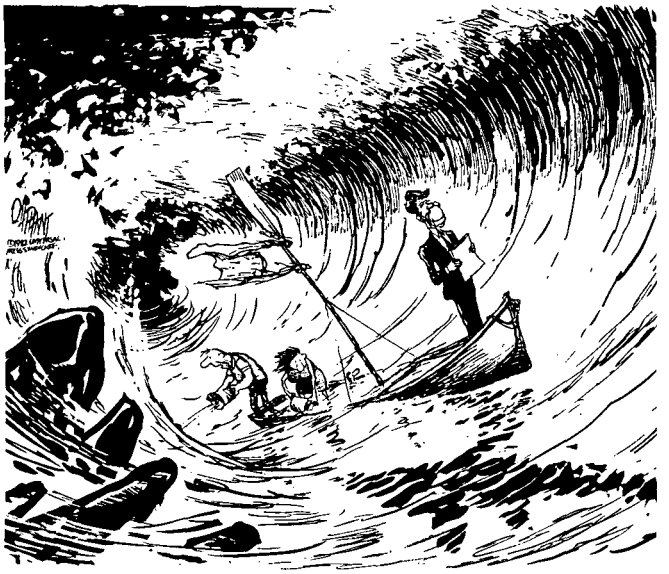
'I THOUGHT IT WAS QUITE A BRILLIANT SPEECH, WELL-PACED AND MOST MASTERFULLY DELIVERED, WITH A DELIGHTFUL MINGLING OF PATHOS AND PATRIOTISM. NOW I WISH HE'D SHUT UP AND BALE.'

ly of a "new partnership for America" of "progress" towards peace, of economic "recovery," and of "bold and spirited" initiatives to set this country back on a righteous course after the errant ways of his predecessors. As in years past, however, the reality was sadly bleaker than the rhetoric. Soaring unemployment, raging inflation, untold billions of tax dollars siphoned off into useless programs, and an international scene crowded with wars in Latin America, Africa, Asia, and now Europe—all these were part of the state of the union in 1981.

What did the president have to offer? Mostly a promise not to make things worse. For weeks before the speech, White House aides dropped hopeful hints to the press, echoed by sympathetic columnists, that Reagan would at last see the light and raise taxes. Fortunately, the pressure campaign didn't work. A lot of Washingtonians evidently yearn for the days when lobbyists and brain trusters could meet over lunch at Duke Zeibert's and think up new ways to spend more of your money. Duke's is no longer with us, and, more happily, the old liberalism is in retreat. Reagan found the right words for the occasion: "Raising taxes won't balance the budget. It will encourage more government spending and less private investment. Raising taxes will slow economic growth, reduce production, and destroy future jobs. . . . So I will not ask you to try to balance the budget on the backs of . . . taxpayers."

Aside from holding the line on taxes, Reagan offered modestly to "change the face of American government and make it again the servant of the people." He proposed to have the federal government take over full responsibility for Medicare and Medicaid, while dumping welfare and food stamps into the laps of the states—rather like his proposal to "eliminate" the Energy Department by shifting its functions to other departments. Reagan argues that the states are more "accountable" to the people than is Washington—and there is some truth in that. Tax revolts have had greater success in the states than on the federal level, where congressmen and senators are more insulated from the grass roots. But shifting programs to the states is no way to reduce the crushing burden of government. On the contrary, people have rebelled against taxes in the states precisely because those governments have been so profligate with their tax monies. Between 1970 and 1979, state and local budgets exploded more than 125 percent. Reagan should know; during his eight-year governorship in California, the state budget increased 126 percent, the state income tax nearly tripled, and the state bureaucracy grew by nearly 22 percent. Reagan should attack the problem instead of shifting the blame—that was his mandate in November 1980.

President Reagan could have started on the right path by acknowledging in his speech that taxes are going up, not down; between bracket creep and rising social-security taxes, the average taxpayer will be squeezed a little tighter this year than last. And, as Reagan did admit, spending hasn't been cut either—only the "rate of increase in government spending" has slowed. In short, Reaganomics hasn't really been tested yet, for all the president's boasting and all his critics' lamenting.

And do his critics ever lament. Congressional liberals and pork-barrel conservatives alike know that if taxes aren't raised, they will either have to accept spending cuts or see the budget deficit pass into twelve figures. The Democrats, charged by the memory of Franklin Roosevelt's hundredth birthday, actually had their rebuttal ready before Reagan aired his speech. In a twenty-eight-minute television documentary following Reagan's message, the Democrats pulled out the stops in attacking what little Reagan is doing to contain the growth of government. They cited polls to show that "Ronald Reagan does not really care" about the little guy, found an unemployed worker to say, "This is getting worse than the Depression," and quoted an elderly woman complaining about tax breaks for "the oil companies and big corporations." (In a moment of exquisite irony, millionaire Senator Russell Long of Louisiana, who has sponsored every tax break in the books for big oil, joined his fellow Democrats in criticizing Reagan's economic program after the president's address.)

As an alternative to Reagan's nonsolutions, the Democrats trotted out a grab bag of "new ideas"—government help for homeowners, farmers, and small businessmen; revival of the Reconstruction Finance Corporation to save failing businesses; extended unemployment benefits; and wage, price, and credit controls. Great ideas—except that most of them were tried under Franklin Roosevelt (and resurrected by Richard Nixon), and they prolonged the Depression for eight long years, until World War II pulled us out. Indeed, we suspect, policies like those, far from promoting a recovery, would plunge us into the very depression the Democrats are claiming is already here. But the difference between a Democratic depression and Republican recession is only a matter of degree; whichever side wins will victimize Americans with its economic bungling.

Washington policy-makers would do well to recall the words of California Governor Jerry Brown at his inaugural in 1979—words he himself has long forgotten, to judge by his performance on the Democratic TV documentary. "Why the anti-government mood?" he asked three years ago. ". . . Simply put, the citizens are revolting against a decade of political leaders who righteously spoke against inflation and excessive government spending but who in practice pursued the opposite course. . . . It is time to get off the treadmill, to challenge the assumption that more government spending automatically leads to better living." Amen.

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LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 1320 G Street S.E., Washington, D.C. 20003. The editors reserve the right to edit letters for length when necessary.

English lessons

*IN A LETTER TO THE EDI-*tor [Feb. 15] Ken Lawrence of *Covert Action Information Bulletin* claims that in testimony before the House Intelligence Committee last year I "did my best" to help draft legislation to silence his publication. In fact, Lawrence says, I simply engaged in a "witch hunt" of him and his colleagues.

Lawrence is right about one thing: One of us needs a lesson in English. How else to explain his overlooking, if that is the right word, my testimony on April 8, 1981, that because all current drafts of the Agents Identity Legislation then under consideration would make illegal the disclosure of already public information, "No language such as is contained in Section 501(c) is likely to survive constitutional scrutiny"? Or my statement that "The publication of public domain information cannot, I believe, be made unlawful." Or my statement that "It would not pass First Amendment muster to make it a crime for an individual with no connections with the government whatsoever to disclose information which is already in the public domain and which is not classified, and which may in fact have been widely repeated previously. I believe this is so, notwithstanding the intent of the speaker, and notwithstanding that the information being disclosed is part of some broader effort at disclosure."

Lawrence is correct that I did testify that if such legislation were nonetheless to be passed, it might avoid one constitutional problem (but not the pervasive one stated above) if the sternest sort of requirement of proof of intent to harm the United States or to help a foreign power were included. How he can disagree with this—or even resent its utterance—is simply beyond my comprehension.

A final note on "witch hunting." For one who so loudly blares the names and addresses of those he believes are CIA agents, Lawrence has a mighty thin skin. I happen to believe that what *Covert Action Information Bulletin* does is morally reprehensible. Is it really witch hunting for me to say so? Or is it simply an exercise of my own First Amendment rights?

FLOYD ABRAMS
New York, N.Y.

Amazing! A reader who thinks Paul Krassner isn't noxious, pretentious, or pathetic enough

IN HIS ARTICLE ON THE American Writers Congress ["A meeting of small minds," Dec. 7 & 21, 1981], Paul Krassner missed much of what was noxious, pretentious, and pathetic about that gathering of literary boobs—apparently because he spent most of his time straining his wit and most of the remainder being impressed by what Harry Reasoner wrote about him. Mr. Reasoner's comments hardly deserved to be quoted at length. If his list of "real bad guys" included a grand total of two people (Paul Krassner and Joseph McCarthy), overlooking a few generations of mass murderers and thieves, he obviously has trouble with his values. Yet I feel certain that Mr. Krassner will be the only person in history to be stimulated by the quoted passage. As for wit, Mr. Krassner seemed at times desperate, informing us that "grow a penis" is an anagram for Spiro Agnew's name. If your writer had spent less time diddling with the alphabet and more time thinking about his subject, we might have been more entertained and more informed.

My thanks to *INQUIRY* for the rest of the issue.

TOM ST. LAURENT
New York, N.Y.

Misconceptions and apologies

IN REFERENCE TO GARETH Porter's letter to the editor [Feb. 15] in which he complains that I wrote he has "a record of dedicated support for the communist cause in Indochina": Porter is disingenuous. He and the Indochina Resource Center were by no means "dedicated only" to ending U.S. intervention in Indochina before 1975 and normal relations thereafter. In 1975 the center published an apology for the Khmer Rouge regime entitled *The Politics of Food*. In 1976 this was rewritten and published by Porter and George Hildebrand under the title *Cambodia: Starvation and Revolution*. In 1977 Porter was still defending the Khmer Rouge in testimony before Congress. This was certainly dedication to the communist cause; he may recall that when I criticized it in 1976 he was rather angry and accused me of swallowing CIA propaganda passed through Cambodian refugees.

Certainly I thought well of his book *A Peace Denied*, as I think of much of his other work—including the book of documents which I was just reviewing for *INQUIRY*. His work on the Khmer Rouge, however, was awful, and I am glad that he acknowledges that at least the book was "misconceived." (I have no idea what he means by saying it was "too soon." For what?) Rather than demand unwarranted apologies from me he would do well to explain how he could foster those "misconceptions" so long.

WILLIAM SHAWCROSS
London, England

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NAT HENTOFF

First Amendment snapshots

IT WAS THOMAS JEFFERson's notion that "a bill of rights is what the people are entitled to against every government on earth, general or particular." I wouldn't change a word, and if I had a car with a big enough bumper, I'd stick that right on there. But even with a Bill of Rights, what do we need to make the words actually work?

Most of our knowledge about the state of our civil liberties at any given time comes from "newsworthy" battles over certain statutes, arrests, acts of censorship, and court decisions—particularly rulings from the Nine Keepers of the Constitution. But this information only gives us a limited picture of the daily insults and injuries inflicted on citizens by their government. Such incidents infrequently become national news, and they are reported glancingly, if at all, by the local press.

Accordingly, to get a clearer view of the everyday war between liberty and the state, a range of ordinary constitutional confrontations should be explored. Most of these involve the First Amendment, but several emphasize a citizen's alleged protections from intrusive government officials. If a few of these contradictions appear frivolous, they are not at all unimportant to the citizens affected.

Take the case of two basketball teams, representing Chicago yeshiva high schools, who were told by the Illinois High School Athletic Association they could not participate in state-regulated games unless their members removed their yarmulkes (skullcaps) on the field of play. Why? Because if these small head coverings should fall off a Jewish head onto a slippery gymnasium floor, there could be severe ecumenical accidents.

In federal district court, the yeshiva high schools produced, as an expert witness, a New York yeshiva principal who reported that in his enlightened state yarmulkes were permitted, being classified in the same category at sports events as eyeglasses and face masks. And never had there been a physical injury to a basketball player—Jewish, Christian, or other—as a result of a loose skullcap. The judge agreed with American Jewish Congress lawyers that prohibiting these Chicago boys from wearing yarmulkes was a violation of their First Amendment right to free exercise of their religion. (Orthodox Jews must keep their heads covered at all times.)

ACLU founder Roger Baldwin once remarked that "no fight for civil liberties ever stays won." It is quite possible, therefore, that in some other federal circuit, the fight to simultaneously keep one's head covered and play basketball will have to be waged again. But surely, *some* constitutional wars do get finished for all time. The right of lonely pamphleteers, for instance, to hand out their broadsides without first receiving state permission. How would we ever have had an American Revolution without pamphleteers?

Well, in Keene, New Hampshire, two antinuclear citizens were arrested in 1980 for distributing handbills on a public street without permission from the chief of police. A local ordinance mandated that the chief had to pass on all such matters, thereby giving him, in effect, the power to license printed speech, and to deny a license. Last year, however, the New Hampshire Supreme Court struck down that ordinance as a clear infringement on these citizens' right "to exercise their freedom to seek political change by distributing leaflets." Roger Baldwin, though, will surely be proven right when some other pamphleteers are busted in another city for taking the First Amendment too literally.

It was the New Hampshire Civil Liberties Union that stripped the Keene police chief of his royal pretensions; and it was the Massachusetts Civil Liberties Union that prevailed in another case and revealed how nearly all government officials regard the Bill of Rights as just a tool of the unruly. For some time, members of the Irish Prisoners of War Committee attempted to mount a silent, nonviolent, nonobstructive vigil in front of the Boston residence of the British consul. Each time, the vigil was disrupted by Boston cops who physically removed the silent witnesses. At last a Suffolk Superior Court judge brandished the First Amendment before the Boston police commissioner; and now, as of yore, the Crown's representative in Boston must suffer the remonstrances (in this case, voiceless) of disrespectful colonists.

THERE ARE ALSO EVERYday occasions when agents of the government seek to preserve *their* First Amendment rights against their formidable employers. Consider Wendell Young, a fifteen-year veteran of the Cincinnati police force who is also president of the Sentinels, an organization of black Cincinnati police officers.

Young had publicly criticized his superiors for alleged civil-rights violations by the police department—both within the department and outside—and was told to keep his mouth shut. Rule 1.20 of the police manual stated unequivocally that any member of the police division had to obtain prior approval before speaking in public and that anything said in public

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should not "reflect discredit on the Division" or "adversely affect morale."

Police Officer Young felt this rule not only mugged his rights as a citizen but could prevent his appearance as a witness before the United States Civil Rights Commission—unless he was content to simply do a tap-dance. He protested the rule, publicly. For that act of provocative insubordination, he received a formal reprimand from the chief of police, a copy of which was entered into his personnel file.

When the local American Civil Liberties Union affiliate filed suit, on First Amendment grounds, in federal district court, the city of Cincinnati removed the reprimand from Young's file and eviscerated Rule 1.20. The case is over, and the only thing Young asked for that he did not get was $10 in damages. He figures he came out far enough ahead anyway; but there are some who would say he only regained his birthright.

It's disheartening enough when a government employee has to hire a lawyer just to speak his mind in public. But it gets downright depressing when he's punished for what his wife says outside the hearth. In a Nebraska town, a longtime government worker was placed on probation because his wife wrote letters to a newspaper in which she criticized the town government. The man was accused of condoning his wife's views, and he was further instructed that if he did not muzzle her, he would be fired.

The Nebraska Civil Liberties Union threatened to bring the local officials up before the bar of the First Amendment. The officials caved in. They were so rattled by this blow to their assumed powers that they also paid damages to the employee, as well as attorneys' fees, and then surprisingly asked the local ACLU to help draft grievance procedures for municipal employees.

So far, we have been dealing with adult citizens calling on Mr. Jefferson's Bill of Rights to keep them off the state plantation. But children are also persons under the Constitution, not that most of them have any reason to be aware of such an allegation.

In the Germantown Elementary School (Anne Arundel County, Maryland), officials some months ago had to cope with a nine-year-old girl who had actually spoken out in class without being asked to. In solemn conclave, the officials decided that rather than suspend her for this arrant misbehavior, they would try a more humane approach. The principal had taken a course in behavior modification.

The child was sentenced to four days in a windowless storage room. She was allowed to leave only to go to the bathroom—and then only at assigned times—and to get her meals. (But she had to eat in the storage room.) The child was just left there. There was no supervision. And she was forbidden from communicating with anyone. As an index of the intractability of her disruptive behavior, the child one day peeked out of the door of the storage room. By fortunate happenstance, she was caught, and a fifth day was added to her sentence.

The ACLU of Maryland brought suit against the school officials, charging that the punishment was harmful, degrading, and "in disproportionate response to the alleged offense." The case is still pending, but the child's mother has transferred her to another school. Damages being asked come to $250,000, plus counsel fees; and the ACLU is also pushing for an injunction that will prevent the school from placing any other children in solitary confinement or "in closets or similar enclaves as a means of discipline."

Surely the parents of kids still in the school must be applauding the ACLU for its rescue operation. Not so, says Barbara Mello, the attorney handling the case. "There's been a generally unfavorable reaction from members of the community," she says. "Before this principal came, there had been a considerable discipline problem in the school, and the parents think he's been quite effective."

Mello remains bemused by this particular behavior-modification technique of the principal, which is likely to flourish, as it were, if the ACLU loses the suit. "I know what the punishments are with this technique," she says. "But what are the rewards?"

In one Nebraska town, a longtime government worker was placed on probation because his wife wrote letters to a newspaper in which she criticized the town government.

THERE ARE, OF COURSE, many everyday battles fought by youngsters over their First Amendment rights. Only a few battles center on the right to speak out in a classroom. Others concern the right of students to run their high school and college papers without prior restraint. Some of these "free-speech wars," as the Wobblies used to call them, are won by the nation's future, and some are lost. But I have not heard of a more instructive paradigm of the ignorance of educators in these matters than another story out of New Hampshire.

Last June, officials of Keene State College learned that some of their students were about to commit free-speech mayhem. These students were members of the Public Affairs Forum, an official campus organization. They had just invited local high-school kids to an open discussion at Keene State on the subject "Oppression in the Schools."

Among the advertisements for this event were flyers (those damn pamphleteers again) containing the slogan "School Sucks." The president of the Public Affairs Forum, a college student, says the slogan was chosen because it often appears as graffiti in the local secondary schools. (For those of you who have not been in a high school for some time, it's worth noting that this particular form of graffiti is not indigenous to the Granite State.)

Certain administrators—curators of higher learning—at Keene State College were greatly offended by the slogan. One of them canceled the meeting at which the high-school students were prepared to annotate that slogan.

Then it turned out that not only the slogan was at issue. Dr. Barbara Seelye, president of Keene State College, upheld the cancellation and added that the nature of the subject to be discussed at the forum was itself "inappropriate." Also objecting to such unalloyed free speech at the col-

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lege was the assistant to the president, who also—and not incidentally—served as chairman of the Keene school board and was thereby in presumed command of these irrepressibly offensive high-school kids.

The college students involved with the Public Affairs Forum asked the New Hampshire Civil Liberties Union to be their paladins. The CLU thereupon unfolded an array of First Amendment claims. The college had violated its students' rights to free speech and association, their academic freedom, and their due-process rights. (The meeting had been canceled summarily, without consulting either the student group or its faculty adviser.)

Negotiations began between the Civil Liberties Union and the Keene State College administration. Court action could be avoided, the higher educators were told, if they simply allowed the forum on oppression in the high schools to take place on another date. No way, said the administrators. Acting as a choral accompaniment to their president, they insisted the subject matter was "inappropriate" for airing on the state college campus. Furthermore, the administrators explained, the program was not balanced. Speakers with differing points of view had not been invited. Worse yet, no "expert" speakers had been asked to come. (In this context, "expert" means adults who have learned how to function within an institutionalized line of command.)

A disrespectful student at the college noted in rebuttal that "when we had the Maryknoll nuns on campus from El Salvador, we didn't have a member of the military junta here to balance their views."

(Well, there's a certain amount of slippage at even the best-run institutions.)

Off to federal court went the New Hampshire Civil Liberties Union; but shortly after the suit was filed, the college administration decided that it would be less costly to allow the damn forum than to undertake a prolonged court case. However, in order to be let off the litigation hook, the college had to sign a consent agreement in which it promised not to interfere any more with the content, however "inappropriate," of future sessions of the student-run Public Affairs Forum.

One final example: an inspirational victory in South Carolina. Four miles outside of Edgefield, the hometown of Strom Thurmond, is the Strom Thurmond High School, nobly adorned by a gun turret and a battleship anchor flanking the flag poles.

Last summer, the South Carolina NAACP and Jesse Jackson's PUSH (People United to Save Humanity) decided they'd like to have a prayer vigil at the high school as the start of a march into town to support the extension of the Voting Rights Act. (Strom considers that bill an affront to the South.) School officials refused permission for the demonstration because it would be "a disgrace to the Senator's name" to have all those ungrateful blacks holding that kind of rally at a school named for him.

The ACLU of South Carolina hied itself to a federal judge who ruled that, even in Edgefield, the First Amendment has a mite more power than Old Strom. So on a Sunday the Reverend Jesse Jackson led the prayer vigil under the gun turret, and afterwards a thousand demonstrators marched peaceably into Edgefield—watched by the white folks, from their porches, along the route.

It turned out, ironically, that the local ACLU didn't have to do much new legal research to get the go-ahead from the judge. Practically all their arguments and case citations came from an earlier case when the ACLU's Southern Regional Office defended the right of the Ku Klux Klan to stage a rally at a public-school athletic field in Mississippi. ❏

WORLDVIEW

These are the times that try men's souls.

Clearly, Thomas Paine understood the nature of international affairs—the ambivalence, ambiguity, confusion. And just as clearly, what was said of 1776 can be said of 1980. Whether the revolution is in America or Nicaragua, thinking men and women must strive to evaluate, to understand, and, ultimately, to decide.

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POLITICS

JONATHAN MARSHALL

NATO strikes out

IT HAS BEEN SAID MANY times before, but this time it really seems to be true: NATO is terminally ill. Never before have so many American Europhiles expressed such dismay at the behavior of their Western allies. American disenchantment with NATO has been brewing a long time, but after a year of European antinuclear demonstrations, and the stinging frustrations of dealing with Europe over the Polish crisis, even confirmed Atlanticists are now speaking in an isolationist tongue.

The voices threatening Europe with an imminent dissolution of the alliance come from the top of the Reagan administration and from sober, respected commentators in the media. Lawrence Eagleburger, then assistant secretary of state for European affairs, warned last June that if Western Europe reneged on its decision to accept nuclear missiles capable of striking the Soviet Union, it "would raise a doubt in the mind of many Americans who would not understand why our allies are less committed to their security than is the United States. And worst of all, we would all be profoundly uncertain of our future ability to take difficult decisions together." Arthur Burns, U.S. ambassador to Bonn, told Germans of "a growing sentiment in America to turn back upon itself and let Europe depend for its security and freedom upon its own resources or upon Soviet good will. Isolationism is by no means the alternative that my country seeks, but . . ." He left the threat dangling. Even the secretary general of NATO, the Belgian Joseph Luns, observed in October that the "risk" to NATO solidarity was "more grave than ever before" and warned that the "synchronization of the alliance mechanism" might forever be thrown out of kilter.

The doomsayers within the administration are echoed by a chorus of media commentators. The op-ed pages of major newspapers are now filled with columns and editorials breathing dismay over our allies and calling for all manner of retribution for their sins. Irving Kristol, the neoconservative guru and *Wall Street Journal* columnist, speaks plainly of the "impending collapse of NATO." *Newsweek*'s Meg Greenfield admits "The Grand Illusion Is Over." Even Henry Kissinger, for whom NATO is the bedrock of Western geopolitics, confirms sadly that "something is deeply wrong in the Atlantic Alliance."

Not since the mid-sixties, when Senator Mike Mansfield garnered fifty-one votes in the Senate to back his resolution calling for the United States to withdraw troops from Europe, has the challenge to the alliance been so widespread. Now, as never before, the fundamental divergence of interests between Europe and the United States has been exposed to view, and with it the political bankruptcy of an alliance based on massive American expenditures to protect Europe from a threat that the Europeans themselves increasingly consider remote.

The roots of the crisis can be traced back any number of years, but they stem most obviously from the breakdown of transatlantic relations that occurred during the Carter era. In a series of spats beginning with Carter but continuing with a vengeance into the Reagan administration, the United States has tested Europe's faith—often unjustifiably—and found it utterly wanting:

■ The Soviet invasion of Afghanistan in December 1979 prompted Carter's notorious admission that his "opinion of the Russians changed most drastically." Carter urged Western Europe and Japan to join the United States in boycotts of trade and the Olympic games to punish the USSR. Both were resounding failures. West German Chancellor Helmut Schmidt, who made no secret of his disdain for President Carter, said he would "not permit ten years of détente and defense policy to be destroyed." France, West Germany, Italy, and Japan jumped into the breach opened by the American embargo and pursued high-level trade talks with the Soviets.

■ The Iranian hostage crisis, a far more emotional issue for most Americans than Afghanistan, dramatically widened the chasm between Europe and the United States. In a major address delivered in April 1980, Carter declared that it was "vital that the burden of sacrifice be shared among our allies and among other nations." He proposed that Europe join the United States in a variety of trade and diplomatic sanctions against the Khomeini regime, sanctions that were mostly not forthcoming. "What the United States is requesting is that its closest allies now begin to act like allies," the *Los Angeles Times* editorialized. The *Washington Post* warned that Europe's dawdling would "affect the American outlook on other matters that may be of much more interest to the allies than are the hostages." When neither Europe nor Japan took the hint, the *New York Times* exploded that the United States "is being routinely defied by its major allies." As the hostage crisis stretched on day after day, Americans came to think they had no real friends in the world, and nursed old resentments about the ingratitude of people we had saved in two world wars.

■ After much arm-twisting from the United States, the NATO countries in May 1977 agreed to raise their real defense spending by 3 percent a year. The solemn pledges were only so much hot air. Congressman Les Aspin released a study two years later showing that more than half of NATO was ignoring the commitment. "After nearly thirty years as an alliance," he worte, "NATO is still unbalanced. The United States continues to contribute more than its fair share. Most of the others are still not pulling their own weight."

■ Despite official claims from Washington that Libyan leader Muammar Qaddafi had dispatched assassination squads to murder the leader of the Western world, and that he was masterminding terrorism throughout Western Europe, NATO refused to join the United States in sanctions against Libya. NATO foreign ministers openly shrugged off American intelligence reports as unreliable. Secretary of State Alexander Haig practically begged for their "understanding and support" but got neither.

■ Only days after Haig made his pleas for a united front against Libya, Poland's military leadership cracked down on the Solidarity movement. Despite having had over a year to plan a response, NATO was left divided and confused. West Germany announced that it would continue to send aid to Poland, and advised the United States not to interfere in Poland's internal affairs.

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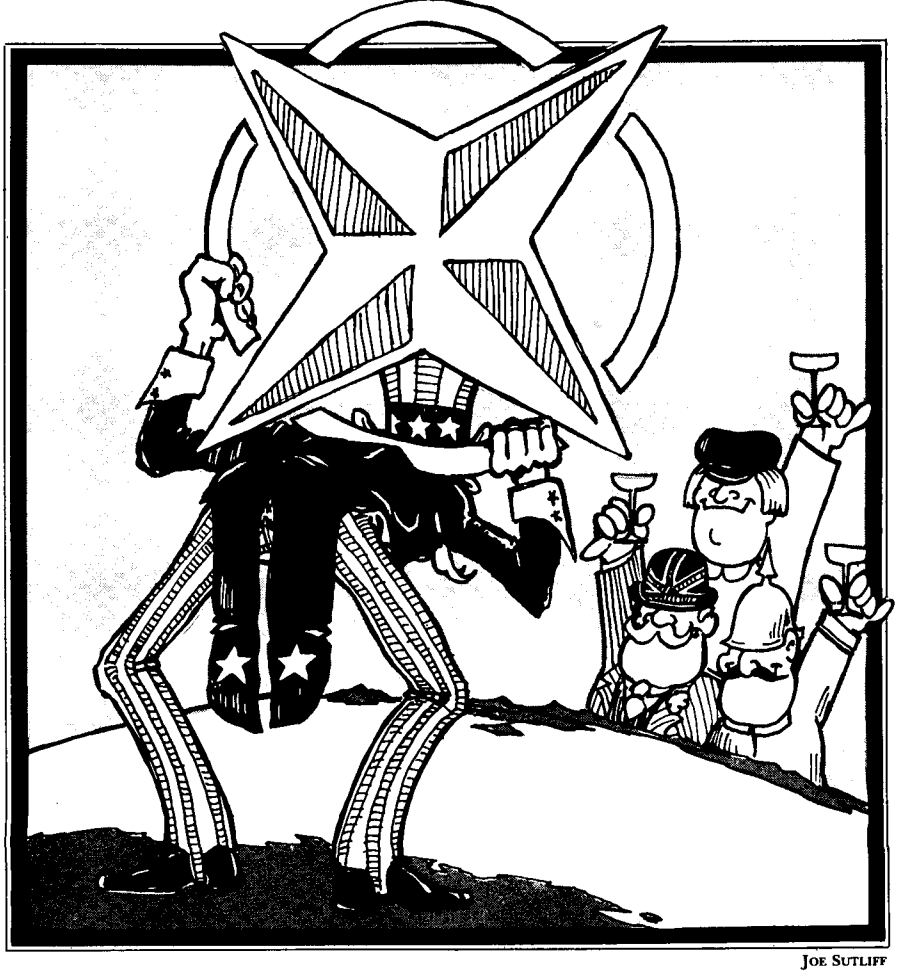
Washington failed to convince European leaders to join it in an economic embargo, or even to table plans for a multi-billion-dollar gas pipeline from the Soviet Union to Western Europe. Although European protests against the Soviets were eventually forthcoming, they were late and unconvincing to some. "It says something not altogether comforting about the Atlantic Alliance that it took Washington and its allies four weeks to make their common statement on Poland," commented the *Washington Post*. Greece, however, refused to join in the full declaration, for fear of offending the Soviet Union. The Greek government, moreover, had only weeks before taken the unprecedented step of vetoing publication of a NATO communiqué when it couldn't get formal assurances that NATO would protect Greece from an attack by Turkey.

■ Last but not least, the Reagan administration has faced mounting opposition in Europe to its plans to station Pershing II and cruise missiles there. The astonishing growth of the European nuclear disarmament movement over the last year has badly crimped NATO's freedom of action, forcing a reluctant Reagan administration to accept arms negotiations with the Soviets, and tying the hands of leaders like Helmut Schmidt, whose ruling Social Democratic party has all but vetoed German acceptance of the new missiles. When 500,000 people rally in Madrid to block Spain's entry into NATO, and 350,000 in tiny Holland protest the nuclear arms race, politicians listen. The Reagan administration listens too, though it doesn't like what it hears. Richard Allen, as national security adviser, ranted against the "contemptible better-red-than-dead" attitude in Europe. Assistant Secretary of Defense Richard Perle, a key policymaker in the nuclear field, ascribed the whole furor to "Protestant *angst*"—until huge crowds in Catholic Spain and Greece joined in the protests.

THE ADMINISTRATION finds the wavering of European governments particularly galling because it was Europe—and most particularly, Germany—that called for the missiles in the first place. As early as 1977 West European leaders began trying to block a final settlement of the SALT II accord on grounds that the agreement would prevent their acquiring cruise missiles, which the Carter administration was then developing. At the same time, Helmut Schmidt began urging President Carter to deploy nuclear missiles in Europe, arguing that SALT II would potentially make sanctuaries of the superpowers while leaving Europe vulnerable. Schmidt pressed Carter on this issue at a meeting in May 1978 and frequently thereafter—to the point where administration officials could claim that a refusal to station new missiles in Europe would jeopardize German-American relations. Schmidt wanted to link America's development of the missiles, and NATO's threat to acquire them, with negotiations to stop the Soviets from introducing their own new missile, the SS-20. "It is a fine scenario if it works," noted one commentator in the *New York Times*. "The only one who loses is the United States, which must pay the $4 billion research and development cost. There is no cost for the European allies, who continue to make a career out of letting America pay for their protection."



JOE SUTLIFF

But the scenario hasn't worked, at least not yet, and Europe is getting edgy. If arms negotiations fail, or drag on indefinitely, Europe might have to follow through on its pledge to station the missiles on its soil. The actual cost of the missiles is the least of the problems; the larger cost is political. The reason that millions of protestors have taken to the streets is that those missiles will surely be targets of Soviet nuclear weapons in the event of war. Come a political crisis, the Soviets may be tempted to strike preemptively rather than risk having the Pershing and cruise missiles loosed on their own homeland. This scenario makes even NATO leaders queasy. It explains the elaborate lengths to which Germany goes to protect the fabric of détente, even in the face of the Polish provocation, and why Schmidt has so persistently urged the United States to negotiate with the Soviets to control the theater nuclear arms race. It explains, finally, why Europe is so concerned that it remain protected under America's strategic nuclear "umbrella"; if the Soviets believe that an attack on Europe is an attack on America, they will be less likely to launch a preemptive strike against NATO.

But is the nuclear umbrella really shielding Europe? In recent years doubts have grown. In 1979 Henry Kissinger startled European defense planners with a candid admonition:

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"Don't you Europeans keep asking us to multiply assurances we cannot possibly mean and that if we do mean, we should not want to execute, and which if we execute, would destroy our civilization. . . . We must face the fact that it is absurd to base the strategy of the West on the credibility of mutual suicide." No one of Kissinger's stature had put the case quite so bluntly before, and his words triggered a panicked European reassessment of America's "reliability." The United States, which foots a disproportionate part of the bill for NATO, and keeps 350,000 troops in Europe as a "tripwire," is not considered "reliable" in Europe unless it gives absolute guarantees that it will counter a Soviet attack with everything in its arsenal, up to and including its intercontinental missiles.

Kissinger favored placing new missiles in Europe precisely because he thought they would be a more "credible" deterrent than the American strategic force that Europe had previously relied upon. If the Soviets invaded Western Europe, he reasoned, America wouldn't really be willing to trade New York for Bonn. On the other hand, missiles in Europe could be fired at Eastern European targets without necessarily leading to an all-out nuclear war. At least the Soviets would think twice before escalating to that level and committing suicide.

Europeans weren't satisfied—they still want the American umbrella. Thus the outrage and dismay that greeted President Reagan's off-the-cuff remark in October, "I could see where you could have the exchange of tactical weapons against troops in the field without its bringing either one of the major powers to pushing the button." Reagan was merely restating old doctrine, but no one in Europe wants to imagine the United States escaping unscathed while Europe is fused into radioactive glass.

Some Europeans have taken a different tack from Kissinger, and have argued for the new theater missiles on the grounds that they will *restore* the credibility of the American umbrella. They, too, have had their doubts about America's "reliability." "This is the decoupling fear," says London's *Economist*. "Medium-range American missiles placed in western Europe would 'recouple' the alliance because they can fire into Russia; because they would get fired if the shells were exploding around them; and because the Russians have said they will react to any American missile landing in Russia as if it came from America. That means that a European war would almost inevitably become a global holocaust, which is an excellent reason for the Russians not to start anything in Europe. A limited number of such missiles, say the anti-zero-optionists, is needed for this purpose." Chancellor Schmidt's insistence that the United States share control of the missiles is a key part of this strategy, since any use of European missiles against Russia would then be tantamount to a nuclear attack by the United States itself. America's nuclear arsenal would then be unavoidably "recoupled" to the European theater.

Voices threatening Europe with an imminent dissolution of the NATO alliance come from the top of the Reagan administration and from sober, respected commentators in the national news media.

Key American decision-makers share this strategy of making the United States hostage to Europe. Richard Perle, when asked about European fears that "we're going to fight a nuclear war in Europe and try to avoid a war involving the American homeland," declared, "The fact is that it is inconceivable that a nuclear war could take place in Europe that would not involve the strategic forces of both the United States and the Soviet Union." In 1979 Defense Secretary Harold Brown said of the new missiles that "by increasing the risk of escalation, they link the theater [Europe] with the U.S. strategic nuclear forces."

That sort of escalation is precisely the threat that NATO was designed to pose. Ever since the 1950s NATO has rested its deterrence not on the might of its conventional arms, but on its nuclear backup. As Defense Secretary James Schlesinger put it in 1974, the "role of nuclear weapons in NATO" is to deter the Soviets and "to contain and halt major *conventional* aggression" (my emphasis). Without most Americans' knowing it, NATO has always shrugged off Soviet offers to jointly renounce the first use of nuclear weapons. Brezhnev made such an offer as late as October 1981—and was turned down flatly by the United States on the grounds that NATO needs its nuclear weapons to offset Soviet superiority in conventional arms.

The problem is that our strategy doesn't speak to the changed realities. By the late 1960s the Soviets had produced enough missiles to insure that any use of nuclear weapons by the West would be suicidal. That is what Kissinger was talking about in 1979 when he called attention to the bankruptcy of NATO strategy. It is now 1982, and NATO has yet to come to grips with reality.

YET THERE IS SOMETHING much more important here for Americans to ponder than the self-deception of NATO war planners. The stark fact is that Americans are being held hostage, as a matter of official policy, to rivalrous European powers. More than that: NATO has been built on a series of principles that almost *insure* that the United States will be incinerated in the event of a Soviet attack on Western Europe. Fortunately, in normal times, the Soviet Union has no incentive to launch such an attack; it has its hands full with rebellious "allies" in Eastern Europe, and it knows that the capitalist economies of the West are of more value to it intact than as socialist rubble. Nonetheless, an attack is not out of the question; it could come after a renewed showdown over Berlin, or even in response to a crisis in the Middle East, like the one in October 1973 that put the United States on nuclear alert.

Kissinger, as usual, went to the heart of the matter in a speech late last year. "The irony," he noted bluntly, "is that if there should be any demonstrations, they should be in the United States, not in Europe. If we want in-

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termediate-range weapons for an American conflict with the Soviet Union, we can deploy them at sea. We don't have to deploy them in Europe for American purposes. The reason for deploying them in Europe is to guarantee that a Soviet attack on Europe *will* engage the strategic nuclear forces of the United States, not to confine a war to Europe" (his emphasis). Kissinger is absolutely right: Americans should be taking to the street. And they would, too, if they knew that 140 million of them would likely perish in a nuclear holocaust for Europe.

NATO is dying because the United States continues to ask of its allies anti-Soviet moves that they, wisely no doubt, refuse to accept; after all, they live in sight of Soviet tanks and missiles, and can appreciate that détente has been good to them. NATO is dying also because Europe continues to ask the United States to foot most of the bill. Europe will pay neither the economic price of its defense nor the political price that the United States tries to exact, yet it complains no end of American "unreliability." Something has to give.

The conservative critics of NATO are fed up because Europe won't pay the political price—it won't break with détente (or "Ostpolitik") as Carter and now Reagan have demanded. A growing number of conservatives, including Kissinger and former CIA director Stansfield Turner, now demand that Europe shoulder more of the burden of its own defense in order to free up American resources to "defend" the Indian Ocean and Persian Gulf. But in "decoupling" the United States from one theater they would tie us into an infinitely more intractable and hostile one. They have chosen the wrong issue on which to challenge NATO. NATO should be scrapped because its fundamental principles are deadly to American interests—deadly in the most literal sense. The bland assurances of successive administrations that they can be "relied" on to liquidate the United States on Europe's behalf are calls to suicide. They take "entangling alliances" to their maddest extreme. The problem with any alliance is that it may demand policies contrary to our national self-interest. NATO's demands threaten our very survival. That is the logic of the NATO alliance, and it will continue to haunt us until it is radically challenged. ❑

POLITICS

RACHELLE MARSHALL

The Golan exodus

THE PREDICTABLE UPROAR over Israel's annexation of the Golan Heights was the latest link in a long chain of interlocking claims, grievances, provocations, and reprisals; a case can be made for either side depending on which link in the chain you choose to start from. In denouncing Israel, many critics chose to focus on a comparatively recent link—current Middle East peace efforts. Israel was accused of violating UN resolutions, upsetting the Camp David peace process, sabotaging U.S. emissary Philip Habib's mediation efforts in Lebanon, and increasing tensions in the Middle East. But all these objections were tied to the timing or the precise legal nature of the Israeli claim—for Israel has occupied the Golan Heights for nearly fifteen years without stirring an international fuss. Indeed, when Prime Minister Menachem Begin scolded his critics and insisted that control of the Golan Heights is vital to Israel's security, there was little disagreement. Israeli officials constantly point out that before 1967 Syria used the Golan as a launching site for mortar attacks on the Israeli settlers farming the plains below. These Syrian assaults are now almost invariably the starting point for any discussion of the Golan Heights question.

But a look back at the events that followed Israel's independence in 1948 reveals that Syria's attacks were anything but a simple case of unprovoked aggression against peaceful farmers. A book published in 1962 by the Canadian chief of staff of the UN Truce Supervision Organization (UNTSO), Lieutenant General E.L.M. Burns, describes exchanges of provocation and violence between Israel and its Arab neighbors in which Israel, for reasons of its own, was often the initial offender. *Between Arab and Israeli* is General Burns's careful record of events during the 1950s, when UNTSO's mission was to determine whether Israel and the Arab states were living up to the General Armistice Agreements that had concluded their hostilities in 1949, and to persuade them to settle their disputes peacefully.

Burns begins his account with the first major violation of the armistice, Israel's raid into Egypt's Gaza territory on February 28, 1955. Israel claimed the attack was a reprisal for incursions by Arab marauders, but the magnitude of the operation, which left thirty-eight Egyptians dead and thirty-one wounded, the timing, and the careful preparation it involved, made this claim unconvincing, in Burns's view. Even Israel's prime minister, Moshe Sharett, was shocked by what the Israeli army had done, especially because General Gamal Abdel Nasser of Egypt had shortly before indicated his willingness to negotiate with Israel. In a diary entry of January 25, 1955, Sharett wrote: "[Nasser] is not among those who want to throw Israel into the Mediterranean. He believes in coexistence with Israel and knows that negotiations will open some day . . . the initiative is now up to Israel." But after the Israeli military operation, Sharett wrote: "There were good chances that things would develop in a positive way but then came the attack on Gaza, and naturally now it's off. Who knows what will be the political and security consequences?"

According to Burns the attack had a decisive effect on relations between Egypt and Israel. Burns was convinced that Nasser was trying to avoid war with Israel, but after the humiliation of the Gaza raid, and the anger it aroused among Egyptians, Nasser could not afford to appear weak before his own army and the Arab world. And so a promising chance for negotiations, and perhaps peace, was lost.

During the rest of that year Arab cross-border raids and Israeli reprisals cost the lives of 55 Israelis and 234 Arabs. Burns believes Israel's heavy reprisals, sometimes carried out with only the flimsiest excuse, were aimed

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at forcing the Arab states to accept peace on Israel's terms, which would have meant that the Palestinians who had fled Israel in the 1948 war would never be allowed to return to their homes.

There was also tension at this time in the demilitarized zone between Israel and Syria, an area that had been granted to the Palestinians under the 1947 UN partition plan. According to the 1949 armistice agreement, Arab and Israeli communities were to exist side by side in this neutral zone, each with its own civilian police. But Israel unilaterally claimed sovereignty over the area and quickly began installing irrigation canals that drained water from the Arab farms. In some cases Israelis actually cultivated Arab-owned land despite Syria's protests.

In 1954 Syria complained to UNTSO that Israel, using soldiers disguised as police, had virtually taken over the demilitarized zone. Arabs had been forcibly removed from their homes and Arab villages kept under tight restrictions, while Israeli encroachment on Arab land continued. (Israel had also illegally stationed soldiers in the demilitarized zone along the border with Egypt; the army detachment was disguised as a kibbutz, according to Burns.) These Israeli incursions were hardly sporadic or random. As UNTSO Major General Carl von Horn of Sweden wrote, they were "part of a premeditated Israeli policy to edge east through the demilitarized zone toward the old Palestine border [with Syria] and to get all the Arabs out of the way by fair means or foul."

It was during these military evictions of Arab farmers that Syrian gunners began firing down from the Golan Heights, trying to help the vastly outgunned farmers. The Israelis admit as much. Former Israeli General Matityahu Peled says that "over 50 percent of the border incidents [with Syria] before the Six Day War were a result of our security policy of maximum settlement in the demilitarized area." Eventually Israel began razing entire villages in the demilitarized zone, leaving hundreds homeless. Some of the refugees moved to the slopes of the Golan Heights.

On December 10, 1955, the Syrians fired on an Israeli police boat they claimed had come too near the Syrian border. That night several companies of Israeli troops crossed into Syria and carried out a raid that left fifty-six Syrians dead and thirty-two missing. Burns believes the carefully prepared attack was meant as a warning to Syria not to ally itself too closely with Egypt. The UN Security Council unanimously condemned the raid, and as a result of the attack the United States turned down an Israeli request for more military equipment.

BY 1956 MOST OF THE 2000 Arabs originally living in the demilitarized zone between Israel and Syria had been forced out, and in early 1967 the Israeli government claimed the last of the Arab land. Meanwhile, after helplessly watching the Israelis take over Arab farms and water in the plains below the Golan Heights, the Syrians had begun firing artillery at the Israeli settlements. Israel responded with heavy attacks against Syria, which culminated in a massive air attack in April 1967 that killed more than 100 Syrians. Two months later the sporadic violence and increasingly threatening rhetoric that had emanated from both sides erupted into the Six Day War of 1967. The result was a dramatic change in boundaries, with Israel capturing the Gaza, the Golan Heights, and the West Bank of the Jordan River. But that war only exacerbated problems that still remain to be solved.

Having seized the Golan Heights, Israel then embarked on a policy designed to justify the acquisition of even more Arab land. Israeli settlers began moving into the Golan in an action that rendered their country's military justification for taking the territory absurd. Israeli writer Aharon Geva has pointed out the contradiction between the government's claims and its actions. "The Golan was needed as a buffer between Israel and Syria," Geva noted. "Once communities were established there, it no longer acted as a buffer. The Golan itself then required a buffer."

Israeli Chief of Staff David Elazar defended Israel's control of the Golan; he said the country needed secure borders. A secure border, he added, is one "that prevents the other side from hitting—with artillery, light weapons, or short one-night raids—important targets of the state." Former General Peled found this amusing. "The very act of populating the territories is an act which contradicts the concept of secure borders as presented by General Elazar," he wrote, "since in those areas we are intending . . . to establish 'population centers, industrial complexes' and all of the other nice targets for attack in the event of war. And all of these targets will once again rise close to the borders. In other words, within a very short amount of time, the new borders will once again become 'insecure' according to the definition."

Israel's recent annexation of the Golan Heights, like most of the other problems that plague the Middle East, has deep and tangled roots that defy simplistic explanations. Consequently any serious effort to achieve peace in the Middle East must take an approach different from those of the past—it must take into account the causes of the grievances and fears that have been smoldering since 1948 and before. For this effort to succeed, U.S. policy must turn away from its narrow preoccupation with short-term global strategy in its dealings with the Middle East, and finally recognize the rights of *all* the participants in the conflict to dignity and security. ❑

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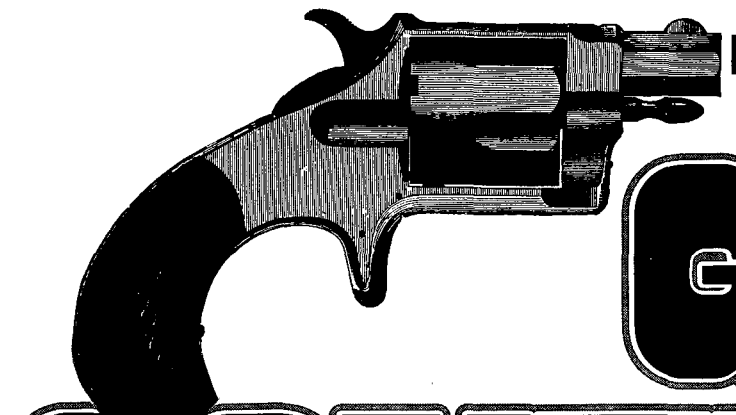

WHY GUN CONTROL CAN'T WORK

What We've Learned in New York, Washington, and Hawaii

by David T. Hardy

AS ONE WHO BELIEVES THAT HISTORY reflects a progression from primitive superstition to civilization and reason, I have had difficulty explaining a few phenomena. The first is why western music has "progressed" from Mozart to Beethoven to Sid Vicious. The second is why our poetry has "advanced" from Chaucer to Byron to McKuen. The third is why normally reasonable people should call for extending nationwide the gun laws of New York, Boston, and the District of Columbia, in a year when the major cities with the worst robbery rates were New York, Boston, and the District of Columbia.

We could try to excuse this eternal recurrence (of calls for firearm laws, not Sid Vicious, I hope) with the observation

The Life and Crimes of Bad Dog Miglia

by George V. Higgins

FOR THE PURPOSES OF THIS DISCUSSION, the defendant will be identified as Bad Dog Miglia, because that was not his name and one more incongruity cannot possibly do any harm to a true story packed with them already.

When Bad Dog first appeared at the U.S. district court in Boston, his name did not seem to suit him. His costume did. Because this was a surprise visit, the visitor being the person surprised, he was in his casual clothes, a complete set of Hell's Angels colors. The colors at the time consisted of a Levi jacket (from which the sleeves had been violently removed, leaving tatters), various insignia stitched to the

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that there are always spectacular cases that stir humanity to spontaneous reactions. But even a shallow look at these cases does little to extenuate that reaction. John Lennon's murderer, after all, bought his gun in Hawaii, obtaining police permits, waiting out the statutory period, complying with all of the registration laws in a state with some of the toughest gun laws in America. He was a security guard, and even the National Coalition to Ban Handguns would let "hired guns" have pistols. He took the gun to New York City to commit his crime—and New York, as any gun owner will tell you, has strict permit and registration requirements and a year's imprisonment without parole as penalty for merely carrying without the permit. None of this saved John Lennon. When Dr. Michael Halberstam was murdered by a professional burglar in Washington, D.C., the calls for national gun control were hardly muted by the realization that (1) the killer had stolen the firearm, from an FBI agent, and (2) he had committed the homicide in the only jurisdiction in the nation that outlawed civilian handgun purchases. When John Hinckley wounded President Reagan, few stopped to ask why he wasn't instead serving time for a gun violation committed months earlier: carrying a concealed weapon onto a plane.

Perhaps gun-control forces stress these inapplicable but current events precisely because no one advocating additional restrictions on gun owners can afford to have their panacea placed in a historical context. Most of the Southeast and Southwest completely banned carrying handguns between Reconstruction and World War I. (Texas, for instance, banned almost all possession off the owner's premises and placed a 50 percent tax on all handgun sales.) But an advocate of gun restrictions can hardly afford to stress this, because murder rates in the South have been steadily dropping ever since those laws fell into disuse. In the Northeast, New York introduced a police permit system for handgun purchases in 1911 and has tightened that law with no fewer than sixty-eight amendments since—and for the last two decades has required permits for rifles and shotguns as well. Once again, its experience is nothing to boast of. The state's murder rate has not only risen, it has risen at twice the national rate. (That statistic might be enough to make former New York legislator Big Tim Sullivan into an atheist if he were still alive. Back in 1911, when Big Tim was pressing for the handgun law that now bears his name, he promised it "would do more to carry out that commandment 'thou shalt not kill' and save more souls than all the priests and ministers in the state.") And New York City now has 3 percent of our national population and 15 percent of our robberies with guns.

For a while, it was possible to claim that New York crooks were "going across the river" and buying guns in New Jersey. Then New Jersey adopted a similar law—permits and registration for all guns, not just handguns—in 1966. It did little for New York and less for New Jersey, whose murder rate was up 46 percent in its first two years under the law, and up 66 percent five years after enactment.

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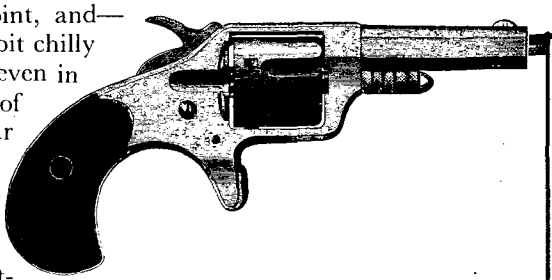
back (identifying the wearer both by his particular chapter of the club and his sexual practices), denim trousers (usually decorated with dirt and grease), and black Wellington boots. Accessories included garrison belts, with the buckles filed to a sharp point, and—for those who felt a bit chilly riding chopped hogs even in the warmer months of the New England year—a black T-shirt to be worn under the vandalized jacket. On a fellow of some stature, bearded, pot-bellied, all scratched and bitten, straddling a massive Harley Davidson motorcycle and hurling imprecations at the world for various offenses against him that he never got around to specifying, that was an imposing uniform.



On Bad Dog, surrounded by agents of the Alcohol, Tobacco, and Firearms Division of the U.S. Treasury Department, it was not. He had been unhorsed of his Harley and transported to Boston in a light green Ford sedan, a courtesy that the government compels its unexpecting guests to accept. He was, off the motorcycle, merely a short, slight fellow in his middle thirties, in obvious immediate need of a bath, a shave, a shampoo, a rigorous barbering, and a lawyer. He looked as though he had spent the night in a doorway, and he didn't smell very good, either.

Nevertheless, Bad Dog was not stupid. He lacked judgment, but he was not stupid. He did not give the magistrate any guff when he was arraigned. He was civil and as responsive as possible, given his theretofore good fortune in avoiding the cops, not to mention education. He said he wanted a lawyer. He said he could not afford a lawyer. He said he would like to have a lawyer appointed to represent him at the expense of the taxpayers. After that he said he did not commit the offense alleged against him, and when he was finished pleading "not guilty," he didn't say a damned thing. This prevented the agents and their lawyer, the federal prosecutor, from obtaining firsthand information as to how the devil he had secured the name of Bad Dog. We decided that he had taken it at Confirmation.

Bad Dog was not stupid. He lacked judgment, but he was not stupid.

North of Boston, where he had fully expected to spend

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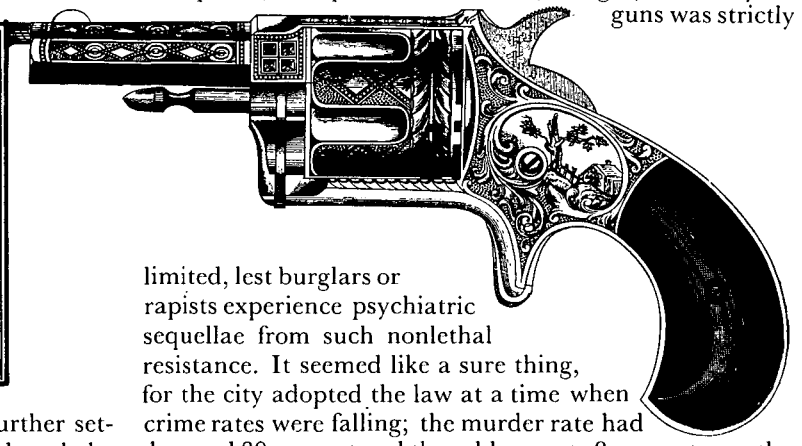
Lennon's murderer bought his gun in the tough gun-law state of Hawaii.



*WITH THESE RESULTS, EVEN A FER*vent defender of firearms laws might have been tempted to wonder whether it was time to find the nearest NRA office and defect. Even with alcohol prohibition, the initial signs had been encouraging; it was only when the program went national that its flaws became obvious. But gun-control experimenters were due for some further setbacks. Hawaii, over 1000 miles from the mainland, took the plunge in 1967 with a police permit system, waiting periods, registration of all guns, and (a few years later) a "Saturday night special" ban. In two years, its murder and rape rates were up 42 percent and 144 percent; five years later they were up 183 percent and 326 percent. Anyone "going across the river" from Hawaii would need strong arms and a set of gills, and Hawaii's lack of an alibi caused it to vanish from the list of "strong gun-law" states invoked in debate.

About the only thing left to try was a total ban on civilian handguns. Washington, D.C., took this step in September 1976 and tacked on requirements that rifles and shotguns kept in the home be disassembled or locked, and registered with police; even possession of mace, tear gas, and many air guns was strictly limited, lest burglars or rapists experience psychiatric sequellae from such nonlethal resistance. It seemed like a sure thing, for the city adopted the law at a time when crime rates were falling; the murder rate had dropped 30 percent and the robbery rate 8 percent over the preceding two years. Well, almost a sure thing. Murder was up 18 percent and robbery up 24 percent two years after the law was passed. And the rates have continued to accelerate. As if to rub salt into the wound, murder rates in the rest of the nation went into a record decline over the same period.

Confronted with these unfortunate statistics, the law's supporters did the only thing they could, short of sur-

the evening taking care of a little business with a scruffy gentleman who turned out to be a cop, Bad Dog was not widely known as a pillar of the business community. The local Elks lodge did not claim him as a member. Nevertheless, he and his pals in the Angels had developed a small but profitable cottage industry. They had begun by manufacturing a product for their own uses and discovered to their satisfaction that there was a market for it in the community beyond. They made and sold sawed-off shotguns.

For those who have led sheltered lives: The sawed-off shotgun is precisely what its name implies. Its manufacture commences in some perfectly legal plant and is conducted by gunsmiths who know about things like tolerances, tangs, and that stuff. By and large, they make a good product, quite suitable for shooting upland game, waterfowl, deer cowering in the brush, rabbits too shifty to nail with a .22, and the young gentleman who has indisputably impregnated one's virginal daughter and is not otherwise disposed to do the right thing. Still, without some drastic alteration, the legal shotgun is virtually worthless as a means of personal protection or aggression.

This is because it is too big. It's almost impossible to put it into your pocket. If you snug it up under your coat, you have to walk stiff-legged on one side and keep the coat buttoned, even in warm weather (you should also plan to be tall, if this is what you have in mind). It will blow the doors off anything in range, but it is very hard to conceal.

Now, while the Harley Davidson motorcycle favored by Bad Dog and his friends was not an inconsiderable machine, it lacked luggage space. Judging by their appearance, Angels do not require much room for toilet articles or high-fashion wardrobes while they travel, but they do need spare chains, tools, and some room to carry a couple six-packs. And since an important feature of Hell's Angels runs is the incitement of the locals to violence, and the consequent necessity to cart along some firepower, a serviceable weapon has by tradition been part of the well-equipped Angel's vacation gear.

A heavy-caliber revolver or automatic would be admirably suited to such needs. Those weapons are awkward to carry around on your belt, but they would fit nicely inside the fiberglass saddlebags of motorcycles. And, my God, they make a hell of a wicked hole in a target. Thing of it is, we have gun control in this Republic, and the customer for such a piece has to show a permit before he can even fondle it, let alone buy it and some bullets to go with it. If you want a gun that you can hide in your pocket or your shaving kit, you must first convince the chief of police in the community where you live that you are a fine human being who would never think of firing such a thing at another citizen. Even though that is clearly what the hardware is for.

Hell's Angels, generally having made themselves conspicuous to the chiefs of police in their communities, have a hard time bringing that off. Most of the chiefs of police have telephones now, and when one of their rascals moves to another town, they have a tendency to inform his new chief. Furthermore, Hell's Angels as a group have a tendency to get into trouble with the law, which means that many of them have been convicted of something or other that the statutes describe as a felony. Either way, your basic law-

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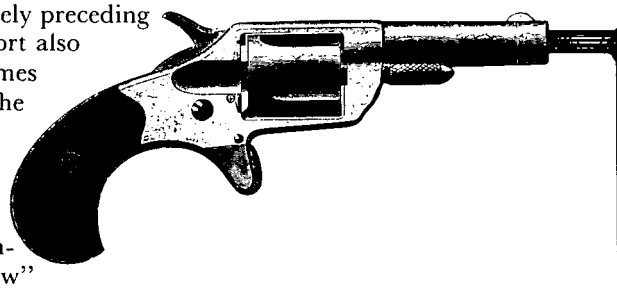
rendering; they lied. A special gun-law project of the U.S. Conference of Mayors manufactured a report proclaiming the law a success! This was done by averaging crime rates for a number of years before the law, to mask their decline in the two years immediately preceding it. The authors of the report also refused to use rates of crimes per 100,000 population (the measure used by every ethical criminological authority.) Instead they used the "raw" numbers of homicides, not mentioning that while these "raw" figures had fallen, the city's population had fallen even faster. The *Washington Post* gave the report full coverage (to be fair, it did quote the study's director to the effect that drawing a cause-effect link between the gun law and the results involved "a leap of hope and faith"), and saw little inconsistency in running, only a few days later, a story on the city's shocking rise in violent crime.



Arguments for gun laws often resemble those for perpetual-motion devices.

Even while these laws were being launched, and before the runways were clear of debris, social scientists were becoming interested. The earliest studies, in 1967 and 1968, had been undertaken by Alan S. Krug at Pennsylvania State University. He tested only the rudimentary hypothesis that "states with gun laws have lower crime rates than states without" and found no statistically significant differences. It was hardly an elaborate analysis: In reality, legal codes, unlike public opinion polls, rarely break down into "gun laws" or "no gun laws"—there are many gradations—and besides, many other factors influence crime rates.

In 1975 economist Douglas Murray undertook a more complex test at the University of Wisconsin. Using computers to analyze a number of variables, he tested for relationships between seven different types of handgun laws (waiting periods, registration, permits, etc.), a number of social variables (poverty, urbanization, education, etc.), and state rates for murder, robbery, suicide, assault, and accidental deaths involving guns. He found that the social variables accounted for almost all the state-to-state differences in crime and death rates, and gun laws for none of them. His conclusion: "The severity of handgun control laws has no significant effect on the violent crime rates of the fifty states." (Murray's figures were later criticized in an unpublished paper by Florida State University criminologist Matthew DeZee. But when DeZee reran Murray's

abiding Angel loses when he goes down to the station voluntarily to fill out his application and be fingerprinted; if he's been convicted of doing something pretty evil, the law says he cannot have a permit, and if he hasn't been convicted but looks as though he might do something evil if he felt like it, the chief has the power to deny the permit. And almost always does.

THEREFORE, GUN CONTROL WORKS, right? Wrong. Bad Dog and his friends lacked judgment, but they were not stupid. They were not about to hang around the police station, waiting for the cops to perceive that they were kind to children and small dogs, so that they could get permits to buy magnums. If there were not enough large-caliber handguns floating around on the market for stolen goods, they would make their own sidearms—this is a tough world, and you do the best you can.

What they did was stockpile shotguns. They determined that a gun that long can be purchased over the counter, on the up and up, if you live in Massachusetts and you have a firearms identification card. An FID card must by law be issued on request to anyone who hasn't been convicted of a felony—doesn't matter whether the chief of police thinks he's not a nice person. Then with hacksaws for the barrels, and crosscut saws for the stocks, they made those shotguns into something a little handier. (And if you're thinking the gendarmes could end this practice simply by toughening up the requirements for an FID card, think again. There is always a plentiful market in shotguns stolen from the law-abiding citizenry, and Bad Dog and the boys sometimes went this route.)

The 1968 Omnibus Crime Control Act, enacted by Congress after Sirhan Sirhan used a revolver to murder Robert Kennedy, strongly disapproves of private possession of any shotgun with a barrel less than a little over sixteen inches long. The customized shotguns that the Angels made were about fourteen inches from the part that you hold to the part where the lead comes out. You can get one of those suckers into a saddlebag with no trouble at all. It's not much use if you're out for Canada geese, but it will certainly discourage several folks at once if they're within twenty feet or so when you light it off. Especially if it's a single-trigger, double-barrelled model. You could argue persuasively that the weapons that Bad Dog and the guys were cobbling up were considerably more dangerous than the .44 mags that the law with regular success denied to them. You point one of Bad Dog's specials at a man and he thinks he's looking at the Holland Tunnel between Jersey and New York. Very useful for sticking up liquor stores, banks, and maybe a filling station here and there, which of course made the product attractive to other people who had not the slightest interest in motorcycles, but who did have legal disabilities preventing them from procuring lawfully those firearms that they needed for their prospective felonies.

That was the market that Bad Dog and friends discovered when they began remanufacturing sporting fowling pieces. They served it with a will, at least until they learned that the hard-looking guy who bought the compact shotgun from Bad Dog was a federal agent. Then, no doubt, they

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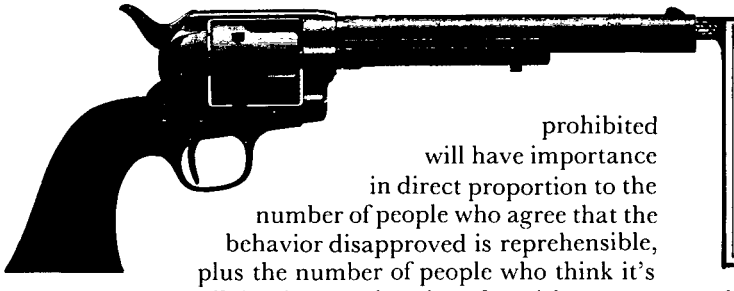
analysis, using what he considered superior data, he reached the same conclusion: "The results indicate that not a single gun control law, and not all the gun control laws added together, had a significant impact on providing additional explanatory power in determining gun violence." Or, to put it more simply: "Gun laws do not appear to affect gun crimes."

Some might maintain that the demonstrable failure of every firearm law in the fifty states to reduce crime may be due to the fact that existing gun laws are unenforceable, whereas they may hit upon a utopian solution that will—perhaps assisted by a "leap of hope and faith"—overcome all the barriers that were found in New York, New Jersey, Hawaii, Washington, and elsewhere. Similar arguments have been made in the past, although more often to induce investment of money in perpetual-motion machines than of police and courts in new legal measures. Unfortunately for the prospectus, some social scientists went so far as to test whether gun ownership itself, not just gun laws, affects crime rates. Since an effective gun law, if one should ever be found, would work by limiting gun ownership, this gives the perfect utopian test: If indeed firearms ownership *could* be perfectly controlled by law, would it affect crime? Some early studies showed there was no relationship between the percentage of households owning guns—or handguns—and crime levels. But these were based on invalid statistical comparisons. The only nationwide data on gun ownership consists of surveys which queried so few people that the results were not valid for areas smaller than a "region"—roughly a quarter of the United States. Given the enormous material and cultural differences that can be found within so large an area, these results were hardly significant.

The alternative was to shift to a smaller area and employ far more intensive analysis, and intensive analysis is exactly what sociologists David Bordua and Alan Lizotte gave the 102 counties of the state of Illinois in a series of studies prepared in the late seventies. Bordua and Lizotte used state gun-registration records to assemble extensive data on firearms owners in each county. Then they surveyed the gun owners themselves, to find out what weapons they owned and why. Matching this information with county crime rates, they found that gun ownership by men bore an almost perfect negative relationship to crime levels: that is, the higher the level of gun ownership, the lower the crime rate. (That's not to say they proved that gun ownership decreased crime; gun ownership by men was highest where there would have been less crime anyway. But when other factors—age, race, degree of urbanization, and so forth—were taken into account, no relationship between crime and men's ownership of guns could be found.) Women's ownership followed a strange pattern, being highest both where crime was very low and where it was very high. More careful analysis showed that high ownership by women in low-crime areas was mainly for sporting purposes, and in high-crime areas mainly represented young black women, heads of their households, who owned guns for protection against crime. In short, even if gun laws dropped gun ownership to low levels, it wouldn't affect crime. Indeed, the population most likely to defy the gun laws (i.e., those who own guns for protection) and therefore most likely to

gathered together and collectively made a good Act of Contrition, promising never to violate the gun-control laws again. There will be a pause now, so that all may clap for Tinker Bell.

The laws are not self-executing. People sometimes are; laws are not. The fact that a given species of behavior is



prohibited will have importance in direct proportion to the number of people who agree that the behavior disapproved is reprehensible, plus the number of people who think it's not bad but are sufficiently apprehensive of punishment or insufficiently determined to commit it. The rest will do it anyway. When the law prohibited the sale and ingestion of alcoholic beverages, we had bootleggers in profusion. When the law banned abortion, we had lots of lockpickers, as they were then affectionately known. When, as, and if we get a law banning guns, we will have gunrunners. If you would like to see enforcement of a draconian prohibition against firearms, try getting off an airplane in Northern Ireland. If you would like to hear some gunfire, just walk a few blocks away from the airport. There are always those who say the prohibition will work if we just pass harsher laws, just as there are always those who say we can finally do away with marijuana if only we would hang a few dealers. They are wrong. The world is full of entrepreneurs.

Bad Dog, reduced to getting himself cleaned up and putting on a brown polyester suit, was acquitted of possession of a sawed-off shotgun. (Ordinarily we would have tried him for dealing guns rather than mere possession, but the 1968 Omnibus Crime Control Act had been interpreted as limiting the unlawful selling of firearms to unlicensed persons who sold more than one, and there was only one sawed-off shotgun in the case. So Bad Dog wasn't a dealer in the legal sense.) Seems he sold it to the agent out of a bureau drawer. The bureau was located in a bedroom occupied regularly by eight Angels, and occasionally by the various and several ladies they chanced upon and invited to recline until morning. Bad Dog on the stand agreed that he did produce the sawed-off from underneath a pile of grungy underwear, but declared that the gun was not his and he had no idea who owned it. Reasonable doubt and so forth.

If we ban guns we are likely to spawn a lot of gunrunners.

After his acquittal Bad Dog conferred with his appointed counsel. "Does this mean," he asked, "that I can have my gun back?"

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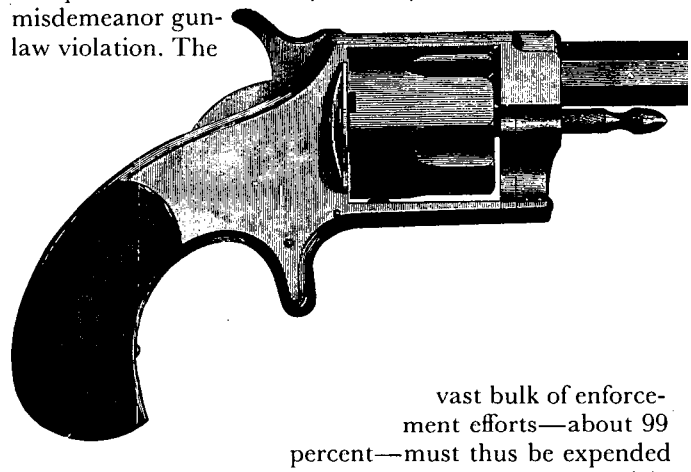
be caught and prosecuted under them, would be law-abiding black women!

IF GUN CONTROL WERE MERELY A MATter of taking measures that no one can seriously believe, in light of the evidence, would do any good, it would be one matter. Governments do that all the time. (People in the business of governing tend to believe that a successful law is one that leads human beings to comply with its commands. Actually the reverse is true—a successful law is one whose commands comply with human behavior. That's why the 55-mph speed limit has never worked. Likewise, gun owners are hardly likely to meekly turn in their weapons, as the city government in Morton Grove, Illinois, seems to expect.) But the real problem is not merely that strict gun laws resemble laws banning canine procreation or ill will on Christmas. It is that gun laws worsen the criminal-justice system.

A prime example is New York City. New York State has required police permits for handguns since 1911; during the past twenty years, the city has added complex and stringent requirements of its own. (It issues various handgun permits, each with a set of conditions; a target-shooting permit, for instance, requires that the firearm be transported only in a locked case.) Each application requires an investigation of the applicant, including interviews with three references and an employer. Enforcement is no minor burden; the city averages 800 Sullivan-law arrests per month. And while these gun arrests tie up manpower and resources, the justice system in New York City is steadily losing its ability to deal with real crime. A Bronx district attorney disclosed last year that in his district alone, there are 250,000 unserved bench warrants for accused felons who simply refused to show up for trial; he estimated 25,000 of these involved violent crimes. The New York City courts are now an honor system; they have lost the ability to try violent felons who fail to appear voluntarily. The city's chief of detectives recently announced that police henceforth would be unable even to *investigate* burglaries involving less than $5000 in losses. Under that amount, a burglar can now go about his business secure in the knowledge that police will not even come to the scene after the owner discovers the crime. And when police do make an arrest, little comes of it. A city study of New York juveniles arrested for robbery in the city found that each had an average of ten prior felony arrests (one had twenty-six, none had fewer than five) by age sixteen; two-thirds of juveniles arrested for murder had felony records (one had seventeen felony arrests; two had prior arrests for murder).

Bluntly, the criminal-justice system in New York City is virtually nonexistent. There is no need for gun-control advocates, as they often do, to worry about a return to the days of Dodge City or Tombstone. Dodge City and Tombstone were far safer than some regions of New York City today; it's just that the residents of those western cities were permitted to defend themselves when the government could not, a privilege not legally accorded New Yorkers. But still the authorities blindly pursue guns rather than criminals. New York's newest wrinkle: a one-year mandatory minimum sentence, without probation or parole, for carrying an unlicensed pistol. When questioned where the state would put the thousands of new "criminals" who would be arrested as a result, the governor generously replied that if he had to build more jails for them, he would. A pity his generosity doesn't extend to the men and women now being released from the overpacked jail system, who were imprisoned not for the heinous offense of packing a gun in an area where there is no police protection, but for personality quirks like murder, rape, and robbery.

Most of the burden of gun restrictions falls upon legitimate citizens who have no intention of doing evil—who in fact are atypically likely to respect the law and law enforcers. Even if we assume that every handgun murder is the product of a different handgun, only about 0.02 percent of handguns are utilized in murder in any given year—so perhaps 1 percent of all handguns may ever be used in a murder, assuming a fifty-year life for a firearm. This 1 percent is likely to be concentrated in the hands of exactly those individuals least likely to comply with a gun law: A person who considers robbery a profession and murder an occupational risk is unlikely to worry about conviction for a misdemeanor gun-law violation. The



vast bulk of enforcement efforts—about 99 percent—must thus be expended on gun owners and guns that will never be involved in criminal activity. With law enforcement breaking down, it is hardly the time to bank on a program that has less than 1 percent efficiency.

Still, in areas with gun control, that's what we do—often to the point of embarrassment. Retired Washington cop Sam Williams is a typical case. Williams was earning retirement income by making bulk deliveries of the *Washington Post*. The *Post* is probably the preeminent antihandgun propagandist in America. But its employees practice common sense rather than the company line. Williams, for one, usually evaded the District's gun ban by hiring an off-duty cop to accompany him on his rounds. On the afternoon of April 21, 1981, Williams's guard wasn't available, so he took a pistol along. It was a prudent precaution. At one stop Williams was jumped by two men, one carrying a gun. When the gunman told him to lie on the floor it seemed clear to Williams that he was about to be killed. So, after distracting the robbers, Williams drew his own gun and killed one of them while driving the other away. When the police arrived, they made an arrest: of Williams, for violation of the gun law. The next morning it was discovered that the robber he had killed was on pretrial release, charged with the murder-for-hire of an elderly man. He had been released, without bail, into the custody of his mother. The District government hadn't been able to protect Williams—just to prosecute him for doing so himself. (In a

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burst of good sense that was also a manifest defiance of the letter of the law, a judge later dismissed the weapons charges against Williams.)

What happened to Williams is not unusual. One of the judges of Chicago's "gun court," which does nothing but try gun cases, told the House Subcommittee on Crime in 1975 that "the most striking experience I can take away from the gun court and the persons exposed to gun court . . . is with respect to the kinds of persons that appear there as defendants. For most, this is their first arrest of any kind. I don't mean now that this is their first conviction, but I mean this is their very first arrest of any kind. Many of them are old people. Many of them are shopkeepers, persons who have been previous victims of violent crime." These people—and not street thugs—are the ones who bear the legal burden of firearm laws. Those who comply with the law bear a different burden, a burden measured in terms of rapes, robberies, and murders inflicted by conscienceless individuals on victims they can now physically overwhelm.

It's easy enough for white liberals, safe in well-lit houses on heavily patrolled streets, to say guns should be outlawed.

Not a few have decided that it was better to fight back. A few years ago the antigun Center for Prevention and Study of Handgun Violence undertook a survey, in the hopes of showing that use of a handgun in self-defense was quite rare. They ended with somewhat different, and quite embarrassing, results. About 3 percent of their respondents—or about 6 million persons, if applied nationwide—had used a handgun in self-defense. A few years later the polling firm Decision Making Information asked a similar question and got similar results: About 7 percent of voting-age citizens had used a gun in self-defense—or about 6.6 million people.

These results confirmed earlier experiences. A few years ago, for instance, Orlando, Florida, was experiencing a sudden wave of brutal rapes. The police took a forthright stance, trained 6000 women in handgun self-defense, and made sure the program was publicized. The nine months before the program began had seen thirty-three women raped; in the nine months after, there were only three. Rapists read newspapers, too, and apparently preferred unarmed victims. The antigun groups, of course, would assume Orlando promptly became a Dodge City, with 6000 blood-crazed women on murderous sprees with their new handguns. Not quite. As a matter of fact, Orlando became the only city of over 100,000 that year to experience a reduction in overall crime rates. Query: How many would have been raped if the media had been carrying, not the message that 6000 Orlando women were armed, trained, and capable of stopping rapists, but that the women had been disarmed?

*IF POLICE REJECT A PROPOSED ANTI-*crime measure by a 4-to-1 margin, as they have rejected federal gun controls, and if our intuition, experience, and most refined statistical analysis supports their rejection, why are we even debating the issue? Because crime is a terribly threatening problem that frightens the hell out of people and often leads them to grasp at any straw. Most of the people who promote gun control are certainly well-meaning, but good intentions don't mean a thing in the face of cold statistical fact.

And there is also a taint of liberal smugness about gun control. It is easy enough for prosperous white liberals, secure in their well-lighted and heavily-patrolled neighborhoods, with ready access to private security forces if city police should prove inadequate, to say that guns have no place in our society. It is not so easy for the elderly, for small shopkeepers, for single women, for those who must live or work in the inner city where police protection is a joke. If these people aren't allowed to defend themselves, who will do it for them? That job is already more than the police can handle—and if we begin making otherwise law-abiding people into criminals through gun laws, the situation will only get worse.

It's not as though the gun-control lobby is unaware of this. In his new book, *Guns Don't Die—People Do*, Pete Shields—the chairman of Handgun Control, Inc., the most voluble of the gun-control groups—calls for a crackdown on Saturday night specials, waiting periods and background checks for gun buyers, stiffer licensing, and vastly more detailed recordkeeping. The best rebuttal to these proposals can be found on page 2672 of the 1975 hearings of the House Subcommittee on Crime:

> The licensing and registration legislation presently up for consideration has been seen by some as a potential first step in the direction of resolving the serious problem of handgun violence in America. But rather than a step forward [we] regard it as a step in the wrong direction. Such a bill would establish a large bureaucracy at considerable expense to the taxpayer. Mountains of paperwork and endless processing of forms would be required . . . . Would it be expensive? Yes. Unwieldy? Yes. Only marginally efficient? Yes.
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LIGHTS OUT IN POLAND

The Crackup of Socialist Planning

by Paul M. Johnson

OVER THE LAST YEAR and a half, Poland has given us dramatic confirmation that even long-established Communist regimes cannot (short of genocide) eradicate the human propensity to struggle for freedom. While it is still too soon to tell whether the imposition of martial law and the wave of mass arrests that accompanied it will be effective in shoring up the tottering Communist regime in the short run, it is abundantly clear that the longer-range prospects for stabilization are not promising. The wave of strikes in the summer of 1980 that set the stage for the formation of Solidarity and the current political crisis was by no means an isolated or aberrant episode. Rather it was one more episode in a cycle of intermittent but increasingly organized resistance to the Polish Communist regime that has included sporadic guerrilla warfare between 1944 and 1949, the Poznań riots and general strike of 1956, the nationwide student demonstrations of 1968, the Baltic coast riots and general strike of the winter of 1970–71, the strike movement of 1976, and the peasants' tax strike of 1978. And since the mid-1950s these actions have been accompanied by a succession of verbal protests and agitations by small but constantly proliferating groups of dissident intellectuals.

Poland's problems with legitimacy are more acute than those of other Communist countries, but it is a difference of degree rather than kind. The brutality of Communist regimes, coupled with their failure to adequately buttress naked power with popularly accepted moral authority, tends to make them strong but brittle. Something more is needed for long-run stability. Historically, that "something more" has been the control of the flow of material benefits to different segments of the population. Undergirding the power of the secret police and the uniform indoctrination by the mass media and educational institutions is the common dependence of citizens on the state's good will for their very livelihood. The state, after all, has an economic monopoly that would leave any corporate manager drooling with envy; it is both sole owner of the means of production and distribution, and sole employer of labor. If threats or appeals to conscience don't do the trick, skillful use of material incentives usually will.

The early waves of nationalization and land redistribution in Poland—as in other Communist countries—built a temporary base of support for the regime among industrial workers and poorer peasants. But that was necessarily a one-time maneuver. Since then, political stability in Poland has depended on the year-to-year performance of the national economy. As long as the living standard improves (or at least doesn't deteriorate) for the bulk of the population, the regime can keep the lid on protest through the familiar techniques of propaganda, censorship, manipulation of individual careers, and police vigilance. In such times, open dissent has mainly been confined to a chronically discontented fringe group of intellectuals. Popular discontent takes nonpoliticized forms: rampant alcoholism, absenteeism, petty pilferage, bribery, and black marketeering. Unfortunate-

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ly for Poland's Communist leaders, however, the replacement of the "anarchy of the marketplace" by centralized, "scientific" economic planning and management did not result in the steady, rapid expansion of wealth they predicted. Instead, periodic downturns in the five-to-seven-year "socialist business cycle" have sparked spontaneous explosions of mass protest and violence with striking regularity.

MORE OMINOUS THAN these cyclical fluctuations has been the long-run direction of the country's economy. Even the official statistics clearly indicate that rates of growth of GNP have been declining ever since the completion of postwar reconstruction in the early 1950s. Moreover, the decline in overall growth rates has occurred despite the fact that Poland's economic planners have channelled ever-increasing proportions of the national output into investments to expand the country's productive capacity. During the decade of the 1950s it took (on the average) a 51-zloty investment to increase national output by 100 zlotys per year. During the decade of the 1960s, the same increase in output required 86 zlotys of additional investment. And during the period between 1970 and 1978, the *Polish Statistical Yearbook* shows, every 100-zloty increase in annual output required 123 zlotys of new investment.

To put it simply, Polish economic planners have been up against a serious long-term deterioration in the efficiency of investment. To prevent even sharper declines in Poland's economic growth, the planners have allocated more and more money to investment, and less and less to popular consumption, with devastating implications for the politically explosive issue of popular living standards.

The causes of the diminishing effectiveness of investment planning in Poland (as elsewhere in the more developed countries of the Soviet bloc) have been the subject of intense debate among Eastern European economists since the early 1960s. None of those economists, however, has overcome the fundamental challenge laid down by the Austrian economist Ludwig von Mises in 1922. Mises pointed out that socialist theory neglected to explain how central planners would be able to realistically compare costs and benefits of alternative investment projects once the new order had abolished competitive markets in the means of production. Those markets, after all, were the only way to set meaningful prices. If planners wanted to build a dam, for instance, how could they decide between hiring more labor or investing in expensive earth-moving machinery? If the prices of labor, land, raw materials, and machinery were essentially arbitrary and unconnected to the relative scarcities of the materials, then projections of total money costs could provide no useful guidance to the planners in choosing between them. "Scientific economic planning" is reduced to guesswork, and the result is enormous waste and inefficiency.

With no ready answer to this problem, central planners have tried to "make do" with various expedients that become increasingly less adequate as their economies become more complex. They've tried valuing productive resources according to their relative prices before state ownership, or by prevailing (capitalist) world market prices at some more recent date, or by blind imitation of production technologies found to be most profitable in capitalist countries at a roughly similar stage of economic development.

To improve the efficiency of production—which was becoming a serious problem throughout Eastern Europe by the early 1960s—economic planners tried major reforms to improve the quality of economic calculation and to insulate planners from the push and shove of bureaucratic politics. Hungary and Czechoslovakia tried the most "radical" reforms, seeking to replace their overcentralized planning apparatus with much more decentralized, market-coordinated arrangements. Managers were given greater freedom to make decisions, and managerial compensation and workers' bonuses were linked to profitability.

Although the theoretical foundations for "market socialism" had largely been the work of the eminent Polish economists Oskar Lange, Jerzy Wakar, and Wlodzimierz Brus, Poland's Communist leadership was reluctant to try it. The relatively weak reformist element in the party did manage to get watered-down versions of some of their proposals officially adopted in 1957, 1964, and 1968, under the pressure of particularly severe cyclical economic distress. But on each occasion bureaucratic foot-dragging at the lower and middle levels of the endangered state and party bureaucracies prevented implementation of the reforms before cyclical economic recovery made their repeal politically possible. Party First Secretary Wladyslaw Gomulka, who came to power during the turmoil of 1956, was a man deeply hostile to intellectuals in general and academic economists in particular. He always fell back on the tried and true Stalinist approach to lagging economic growth: strengthen the repressive agencies and force the population to tighten their belts one more notch to support still higher investment rates, while promising future prosperity in exchange for the "temporary" sacrifices. The results were the stagnation of Polish living standards (even the official statisticians claimed only an average growth in real wages of less than 1 percent per year during the 1960s), a steady rise in social tensions (partly reflected in the fury of the anti-Semitic campaign of purges and denunciations unleashed after the 1967 Arab-Israeli War), and the final explosion of strikes and violence touched off by the announcement of yet another austerity plan to be inaugurated just before Christmas of 1970.

FOLLOWING GOMULKA'S enforced retirement and the restoration of a fragile peace in the factories, his successor, Edward Gierek, was in effect handed a mandate from the rest of the politburo. Mission: overhaul the Polish economy—but do it in such a way that neither the interests of the central-planning bureaucracy nor the newly promised rapid increases in the popular living standard would be compromised. Serious efforts to free up the pricing system in order to reflect even the most significant changes in supply and demand were ruled out in advance. Gierek and his brain trusters obliged with a program known in Poland as the "Economic Maneuver."

The abortive reform plans of the past had stressed decentralization, the market-like determination of prices, and profit-linked incentives to improve economic calculation and decision-making. But Gierek's Economic Maneuver involved merely a streamlining of the existing bureaucratic apparatus and a very limited reform of the way enterprises measured their

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The reigning principle in Poland was "to each according to his political pull."

costs. In Gierek's mind, the essence of the problem was not so much any irrationalities of the decision-making mechanism as it was Poland's poor scientific-technical development. Gierek's answer was a crash program to replace the country's aging capital stock with new, state-of-the-art machinery and processes capable of churning out more physical units per man-hour of labor. But since Poland's scientific and technical base (and that of its key socialist trading partners) was not sophisticated enough to produce such equipment in sufficient quantity and quality, it would mostly have to be acquired from advanced capitalist countries like Germany, Japan, and the United States. And since the domestic political situation demanded extremely rapid increases in popular consumption, any massive spending program would have to be financed largely from external sources.

Fortunately for Gierek, the means for financing such ambitious plans were at hand for the first time. The age of détente was dawning. The Soviet leadership, spooked by the political liberalization that had accompanied economic reform in Czechoslovakia, had themselves come to the conclusion that massive importation of Western technology was a safer approach to economic improvements than domestic reform. So they registered no strong objections to the plan, which paralleled their own. Western governments, entranced by the thought that increased economic interdependence between East and West would lead eventually to an improved political relationship between the blocs, not only began dropping many of the political barriers to trade but even actively promoted it. Poland's economic planners found that they were now able to obtain concessionary credit terms from state-owned Western banks, guarantees from Western governments of private bank loans, and even the direct assistance of certain Western central banks in the floating of European bond issues by Polish state agencies. Western bankers and manufacturers, hard pressed for business in the era of stagflation, scrambled to carve out a share of this enormous and seemingly risk-free new market.

In immediate political terms, the Economic Maneuver was a spectacular success. The enormous influx of foreign resources from 1971 to 1975 produced the greatest economic boom of Poland's postwar history. Even cautious Western analysts allow that GNP grew by as much as 6 percent per year. The restive Polish industrial workers who had toppled Gomulka were placated by wage increases that averaged between 7 and 8 percent per year. The economic bureaucrats running the various ministries were able to expand their empires manyfold as investment outlays raced ahead by almost 16 percent per year. New factories and apartment buildings seemed to be under construction on practically every corner. By the end of 1975 more than half of Poland's antiquated industrial plant had been replaced, mostly with advanced Western designs. True, the growth in Poland's indebtedness to the West from less than $1 billion in 1970 to more than $8 billion in 1975 was a bit worrisome to some planners. But the leading economic policy-makers and Western bankers concurred in their confidence that the quantum leaps in physical productivity due to take place as the new industrial projects started up would enable the government to retire the debt quickly and almost painlessly by increasing exports. As the Polish politician who seemingly held the patent on the economic equivalent of the perpetual-motion machine, Edward Gierek's niche in history's hall of fame seemed assured.

THEN IT ALL BEGAN TO fall apart.

As the 1970s wore on, mounting evidence confirmed what an impertinent minority of Polish and Western economists had earlier predicted. In the absence of a radical restructuring of the institutions and the incentive systems of the command economy, borrowed foreign money could be invested no more rationally than domestic savings were in the past. Unconstrained by considerations of profitability or cost-effectiveness, Poland's economic empire-builders and local politicians played their usual game of bureaucratic politics, lobbying for, and getting, their spoils from the pool of seemingly "free" investment funds.

The mentality of the planners was typified by the gargantuan new Huta Katowice steel complex (located, not coincidentally, in Gierek's old power base of Silesia), which was a showcase of technological sophistication but an economic white elephant. Given the high costs of overland transport (the mills were built hundreds of miles from the nearest seaport) and given the long-standing problems of overcapacity in the Western European steel industry, it is most unlikely that even the foreign-currency portion of the investment will ever be recovered. And, to add insult to injury, its continued operation burns up millions of dollars' worth of high-quality coking coal that could otherwise almost certainly be sold to Western buyers at a profit.

In accordance with the reigning principle of "to each according to his political pull," while Huta Katowice was absorbing over one-quarter of the investment funds for the 1971–75 five-year plan, the investment-starved agricultural sector (which not only was traditionally the largest and most reliable source of Poland's export earnings but also was vital to the long-term effort to raise the standard of living) was largely excluded from the investment drive. Agricultural production, you see, is still dominated in Poland by small-scale private farms, and it was thought politically undesirable to allow large sums of capital to accumulate in the hands of the petit-

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bourgeois class enemy. The government forced private farmers to sell their grain to the state for artificially low prices, or be denied access to fertilizer and pesticides. The state further diverted credit, tractors, and other scarce supplies to the hopelessly inefficient state farms. Predictably, farm output failed to keep up with burgeoning consumer demand, resulting in higher-than-expected imports of food and diminished agricultural exports.

The ultimate constraint on the artificial boom was, of course, the availability of foreign credits. By early 1976 the persistent failure of export earnings to keep up with the spiraling costs of imports and the mounting expense of interest payments on the growing foreign debt forced the government planners to begin a policy of retrenchment to improve their balance of payments. New projects were scaled back, but the party leadership was reluctant to curtail imports of capital goods. After all, a huge proportion of their past five years' investment outlays was tied up in half-finished projects that would be worthless without the supplies to complete and operate them. Perhaps because five years of relative political tranquillity had made Gierek overconfident of his popularity, he decided to drastically cut back agricultural and other consumer-good imports. But the announcement of the new austerity program brought strikes and rioting. The Gierek regime again changed course with a headlong flight back into the international capital markets for credit to postpone the inevitable end of the joyride. Nevertheless, the labor disturbances of 1976 and the evident gathering of economic storm clouds effectively shattered any remaining spirit of optimism and marked the beginnings of a new round of political dissent. The founding of the Committee for Social Self-Defense, a dissident intellectual group, the proliferation of the underground press, and the first tentative proposals for free trade-unions soon followed.

BY 1978 IT WAS ALREADY clear that the economy was in very serious trouble. Poland's known hard-currency debt had reached $18 billion, and just paying the annual interest was absorbing nearly all of the country's export earnings, leaving insufficient foreign exchange even to purchase essential raw materials and spare parts for many of the shiny new factories. Official growth rates of GNP, which had been edging lower since 1975, moved into negative territory in 1979. This time there was no way to cushion the standard of living; foreign creditors were increasingly wary of extending further loans without greater assurance that at least the interest payments could be kept current.

The Polish authorities resorted to emergency measures. Food and coal, Poland's most exportable items, were shipped to Western Europe and the Third World, resulting in extreme domestic shortages. For the first time Poles saw how serious the economic crisis was: there were power outages and unheated apartments, and meat simply vanished from the shops.

The situation only worsened after that, and by the summer of 1980, Poland was once again a powderkeg of accumulated frustrations. Three successive years of declining real incomes and excruciating shortages, imposed upon a population already alienated by the high-handed behavior of their ruling elite, eventually produced the kind of explosion that had occurred earlier under less serious conditions in 1956, 1970, and 1976. Yet this time something was different.

What was most significant about this latest round in the ongoing struggle between state and society in Poland was not the unprecedented scale of the protest, but its organization. Previous large-scale protests in Poland and other Communist countries had been spontaneous and evanescent outbursts of an essentially local, or at most regional, nature. These have often frightened the regime into concessions, but once the frustrations had been vented, the security apparatus had a free hand in rounding up and neutralizing the hard-core malcontents who had emerged as leaders. In 1980 working-class activists from factories all over Poland were able, with the assistance of a preexisting national network of dissident intellectuals, to make contact with one another. The result was a durable national organization with a mass base of supporters, who were capable of protecting their organization by credibly threatening strikes on a scale large enough to cripple the economy. Strikes and the threat of strikes bought enough time for what had begun as a gut-level defensive reaction of unsophisticated workers to develop into a vehicle through which dissident intellectuals ccould spread their more elaborated ideologies and programs.

For the first time since the 1940s, the Polish people (and, watching in the wings, the people of every European Communist country) have absorbed the lesson that "practical" proposals for the reform of the political-economic order need no longer be limited to the narrow choices offered in the in-house debates between "revisionist" and "dogmatist" Marxists. The most basic premises of state socialism need no longer be taken as fixed and unchangeable. Whatever may be the outcome of the current phase of the struggle in Poland, the degree of success achieved by Solidarity over the past year and a half has permanently altered the frames of reference for political life, not only in Poland, but throughout Eastern Europe. When the next crisis comes in Poland, or elsewhere—and it will come, for neither the Polish junta nor any other Communist leadership group in the region shows any signs of solving the basic problems of legitimacy and economic viability—the new crisis will *begin* where this one left off. ❑

Solidarity has permanently altered the political life of all Eastern Europe.

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THE FBI AND MARTIN LUTHER KING, JR.: From "Solo" to Memphis, by David J. Garrow. W. W. Norton, 320 pp., $15.95.

The G-man's vendetta

JOHNNY GREENE

TWO YEARS AGO, I WAS given approximately 2000 pages of FBI documents relating to the murder of Viola Liuzzo. Liuzzo, a white Detroit housewife, had been killed in a nightrider slaying following the historic 1965 Selma-to-Montgomery voting-rights march. The FBI documents were revealing, but curiously they did not disclose a great deal about the murder. The FBI devoted dozens of pages to a description of the scene of the crime. But there were literally hundreds of pages that dealt with Viola Liuzzo—a monograph in themselves, discussing every aspect of the woman's life from her birth to the moment of her murder. As I read the documents I realized the FBI had expended more energy investigating Liuzzo than it had her alleged assailants. In fact, the FBI had investigated Liuzzo, a murder victim, as if she had committed a murder herself.

This was a chilling realization for which there appeared no rational explanation. But as I read and reread the documents, a major theme emerged, and it appeared more often than not in the handwriting of J. Edgar Hoover. The theme was simple: The life of Viola Liuzzo was to be totally discredited in order to damage the civil-rights movement and, more importantly, the work of Martin Luther King, Jr. To accomplish this goal, an idealistic middle-class housewife from Detroit was transformed by the FBI into a drug addict who deserted her husband and children to go to Selma to sleep with black men. This sordid, fabricated information was disseminated by Hoover and his agents to a number of persons, including members of the media and President Lyndon Johnson. In response, newspapers and magazines questioned Liuzzo's presence at Selma, and President Johnson refused for hours to call the husband of the slain woman even to offer condolences.

I mention the Liuzzo case now because it is representative of the manner in which the FBI, by 1965, was conducting its all-out war against Martin Luther King, Jr. Tucked away on one page of the Liuzzo documents was this revealing comment: "Martin Luther King has telephonically advised the [Liuzzo] family he will arrive in Detroit on Sunday, March 28." By 1965 the FBI had installed so many wiretaps and bugs to monitor King that it was aware in advance of every move the civil-rights leader would make, even his attendance at the funerals of martyrs.

FBI agents put bugs in King's offices, in his hotel rooms, and then finally in his home.

The FBI willingly violated King's right to personal privacy, and in order to monitor King's activities, the bureau did not hesitate to engage in break-and-entering "black-bag" jobs. The agents planted their bugs in King's offices at the Southern Christian Leadership Conference (SCLC) headquarters in Atlanta and New York City, in countless hotel and motel rooms where he was scheduled to register, and, eventually, inside King's own Atlanta home. Based on the information the FBI gathered through these wiretaps and bugs, and additional information it gathered through photographic surveillance of King, the reckless rumors concerning King that Hoover then fabricated and concocted for the media and Lyndon Johnson, made the FBI remarks about Viola Liuzzo appear tame.

For years Hoover's war against King was discussed and analyzed by persons in the media to whom the FBI offered to leak damaging information. Constantly, informed observers asked why Hoover had initiated his attack on King, why the aging FBI director had invested millions of the taxpayers' dollars and the work of innumerable agents to acquire any possible derogatory information about King. But there was never a convincing answer. In 1962 King had suggested that the FBI was indifferent to the plight of southern black civil-rights activists, who were regularly beaten by southern whites while law enforcement agents, including agents from the FBI, looked on. In 1964, apparently still boiling about King's comments, Hoover publicly retaliated, calling King "the most notorious liar" in America. To many persons, that King-Hoover exchange provided an answer. But was it really possible that Hoover, who was powerful enough to violate every aspect of a citizen's privacy, could have launched his war against King simply out of spite?

The answer is no. The reasons for Hoover's war against King are more complicated and far more insidious than a plain grudge. In his exhaustive study of the Hoover-King conflict, *The FBI and Martin Luther King, Jr.*, David J. Garrow traces Hoover's aversion to King almost to the moment King arrived on the national scene. Garrow attributes Hoover's initial suspicions of King to the FBI director's maniacal preoccupation with communism. Hoover was unable to see the emerging southern civil-rights movement as an indigenous response to the entrenched—and often FBI-protected—forces of racial repression. In Hoover's estimation, the civil-rights movement

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had to have been inspired, if not directed, by communists intent on disrupting the American social fabric. Because of information he received from the FBI's resident communist-chasers, Hoover was eventually satisfied that King, the SCLC, and the civil-rights movement were all part of his feared communist plot.

IN 1962 THE FBI RECEIVED information that King and Stanley Levison were friends and that Levison was one of King's closest advisers. This information alarmed the FBI because up until 1957 Stanley Levison had allegedly been involved at the highest levels of the Communist Party in the United States, conducting secret financial affairs for the Communist Party from 1952 until 1955.

Garrow attributes this information to three previously unidentified FBI informants. One was code-named Fedora. His real name was Victor M. Lessiovski, a Soviet employee of the United Nations. Lessiovski was a KGB agent who continued to hold an important job at the United Nations until 1981. Lessiovski was introduced to Stanley Levison, and although the two men occasionally met for lunch, that was the extent of their association. The primary FBI allegations against Stanley Levison came from two brothers, Morris and Jack Childs, who worked as FBI informants under the code name Solo from the early 1950s until the late 1970s. These brothers infiltrated the Communist Party and, from posts of importance within the party, reported regularly to the FBI on such subjects as the movement of funds from the Soviet Union to the CP, and the activities of other alleged members, like Levison. When the FBI learned of the link between Levison and King, the monitoring of King began.

In the mid-1950s, Stanley Levison dropped his contacts with the CP and publicly stated his disillusionment with the party. Although the FBI was aware of Levison's actions, it still considered him dangerous. And it was on the basis of Levison's alleged *prior* involvement with the CP that Hoover instigated the bugs on King.

According to Garrow, the political information to be gathered from the surveillance initially disappointed the bureau and Hoover. The personal information it gathered, however, shocked FBI agents and eventually led Hoover to characterize King as "a 'tomcat' with obsessive degenerate sexual urges." Hoover reached this conclusion, apparently, because he learned from the monitoring that King occasionally enjoyed a cocktail, that he told jokes, and that he conducted telephone conversations with women, including white women. Hoover found this behavior so offensive that he sent to President Johnson dramatized accounts of King's behavior. In memos that discussed the preparation of these reports on King, Hoover and his agents frequently indicated that they

TOM BALLENGER

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were no longer interested in only monitoring King. Because King enjoyed a drink, because he laughed and joked with members of his staff and friends, and especially because he spoke on the telephone with *white* women, the FBI had decided to destroy Martin Luther King, Jr.

In the last three years of his life, as King spoke out against the Vietnam war, the FBI concentrated on monitoring King's political statements and activities. Thus the FBI was constantly able to furnish Lyndon Johnson with statements made by King in private that criticized the war. Johnson, in turn, was incensed. The president felt he had given King and the civil-rights movement as much as could be reasonably requested, especially the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Now, as King bluntly attacked the Vietnam War and flirted with running for president in 1968 as a peace candidate, Johnson remarked to an aide: "Goddamn it, if only you could hear what that hypocritical preacher does sexually."

Hoover's campaign to destroy King had succeeded—King was discredited, in the eyes of the president of the United States. Hoover had initiated the surveillance of King because he believed that communists were responsible for the southern civil-rights movement. When that surveillance disclosed a side of King that Hoover felt was reprehensible, he deliberately placed the FBI on a collision course with King that would end when King stepped onto a balcony at a motel in Memphis.

To those who have wondered why the FBI went after King as it did, Garrow's book will answer many questions. But other persistent questions remain unanswered. Garrow explains at some length Hoover's own aversion to sexual matters, but then says that Hoover intentionally had his agents gather potentially damaging sexual information—especially allegations of homosexuality—against public individuals for his private files. The still prevalent rumor of Hoover's own homosexuality (his relationship with his longtime aide Clyde Tolson) is not even addressed. Another question of importance that is overlooked is the role the FBI may indirectly have played in King's murder.

If King's schedule were totally available to the FBI, on a twenty-four-hour-a-day basis, is it possible that the then virulently racist FBI, which constantly leaked information on King, might have leaked too much information concerning King's personal activities and organizational movements to the wrong people? Garrow says in his book that the FBI stopped microphone surveillance of King prior to his death. On the contrary, it is said by reliable sources that Hoover's final moment of victory over King was more sordid and more degenerate than any FBI-dramatized account of King's antics. According to those sources, Hoover listened without emotion to the tape recording of the murder of Martin Luther King, Jr., and to the cries of anguish of King's aides as they were helpless to revive their leader. ❑

AMERICA'S STRUGGLE AGAINST POVERTY: 1900-1980, by James T. Patterson. Harvard University Press. 268 pp., $17.50.

Welfare whitewash

JOAN KENNEDY TAYLOR

WHAT CAUSES POVERTY IN an industrial society? The answers that have been given to this question have usually fallen in one of two categories—either poverty is seen as resulting from some lack in poor people themselves, or it is considered to be inherent in the society's structure. Which view you hold, will of course influence what policies on poverty and welfare you think should be adopted. Those who hold to the deficiency view often hope that public policy can train and reeducate the poor, and so do away with poverty by eliminating the conditions of its occurrence. Those who see poverty as arising from the very structure of the system tend to feel that such policies are merely cosmetic; they call instead for government programs to counteract what they see as systemic imbalances by redistributing wealth directly to the poor. In either case, the idea that it is the role of government to do something about poverty with funds obtained by taxing the rest of the people has rarely been questioned.

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Reformers in America first began to see poverty as a general social problem during the progressive era, around the turn of the century. From that time to this, with the major exception of the Depression years, a majority of the general public has inclined toward the first view of poverty—most of the poor are probably poor through their own fault. On the other hand, welfare policies have varied greatly during these years, as has the intellectual climate of opinion surrounding the experts.

The author of this book, a professor of history at Brown University, writes in his preface that his purpose is to analyze these changing perspectives on poverty and welfare and to try "to integrate intellectual history and analysis of public policy." James Patterson for the most part succeeds in this aim; *America's Struggle Against Poverty* contains a great deal of useful information on, and analysis of, the relation between expert opinion and government policy. But the view that I would consider to be the correct one is missing from this book, just as it seems to be from public life: that, to the extent that poverty is caused by the "system," a major cause is government programs themselves, and that, in any case, the use of government coercion, including taxation, to achieve so-called public-policy goals cannot be morally defended.

Patterson begins his book with what he refers to as "snapshots" of poverty in pre-Depression America—snapshots, because there were no comprehensive figures on American poverty before the 1930s. He concludes that around 1900 the poor numbered between 30 million and 40 million, or 40 percent of the population. These were people who owned little furniture and no real estate, had no indoor toilets or running water, ate an inadequate diet, and lacked any provision against disaster except local charity or the police station. By the late twenties, conditions had dramatically improved. Real per-capita income was one and a half times greater than at the turn of the century; the view was widespread that economic growth could lead to the total prevention of poverty but that, in the meantime, what need remained could best be met by private charity rather than by wasteful and demoralizing public relief.

Then came the Depression years. According to official government estimates, approximately 25 percent of

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the labor force was unemployed by 1933. Add to that fact developments essentially unrelated to the economic collapse (like the depletion of the soil that led to the Dust Bowl agricultural catastrophe), and the assumption that as a rule people could be held personally responsible for their impoverishment was shaken. Theorists who advocated federal relief became influential, and what Patterson calls the early welfare state was ushered in by the New Deal's four-part system of "general assistance, work relief, categorical aid, and social insurance." With it came a welfare bureaucracy that has thrived ever since.

Patterson compares American social programs to those of the European social-democratic governments, not mentioning that the programs and the regimes that sponsored them are now in a bad economic fix.

One view among the experts of what poverty is, and therefore of what welfare programs should be, had originated in the progressive era, and then was reborn after World War II in a slightly different form. This was the concept of a "culture of poverty," a distinctive subculture in which the poor were trapped. Enlightened public policy could break the vicious circle that perpetuated want. Patterson calls this view "prevention via rehabilitation," and labels it the major goal of 1950s policy. Its proponents shared with progressive-era theorists the conviction that the problems of the poor cannot be alleviated merely by changing economic conditions; the poor are not poor only because of economic reasons, but also because of "psychological" factors susceptible to remedy through government action.

Patterson himself doesn't share this view. There were other, less influential perspectives on poverty in the 1940s and 1950s that he finds more fruitful —principally the liberal view and the structural view. The structuralists—mainly Keynesian liberals or democratic socialists—"concentrated more sharply ... than other liberals on what they perceived as the pronounced stratification of capitalist society." They felt that the structure of our society distributes goods unjustly, and not only called for great increases in social services and public assistance, but also promoted the idea that the definition of poverty must be tied to the *expectations* of the poor, and must therefore be relative, not absolute. Patterson considers John Kenneth Galbraith's 1958 book, *The Affluent Society,* to be "the liveliest summary of structuralist thinking to that time."

The structuralists were soon to become quite influential. In a section of the book called "Doors to Opportunity: 1960–65," we read of the explosion of poverty programs and of a "revolution in expectations" on the part of the poor. The structuralist consensus, which Patterson says the experts in the field agreed on by 1966, was that poverty is primarily an economic condition, not a cultural trait, but because of structural inequities in society it will not be cured, or even in large part alleviated, by economic growth.

Patterson himself clearly has a structuralist bias. He frequently compares American social programs to those of various European social-democratic governments, without discussing the fact that these programs and the regimes that sponsor them are now in deep economic trouble. The pressure from the welfare bureaucracy to expand welfare in the 1960s is never considered in relation to Parkinson's illuminating laws, which state that government expenditure rises to exceed income, and that bureaucracies increase even when what they regulate decreases. Rather, he holds that the actions of the welfare bureaucracy *vindicate* government involvement. He reports that they "showed that the federal government did indeed make a difference, that post-New Deal liberalism, for all its limitations, could promote social justice, and that the

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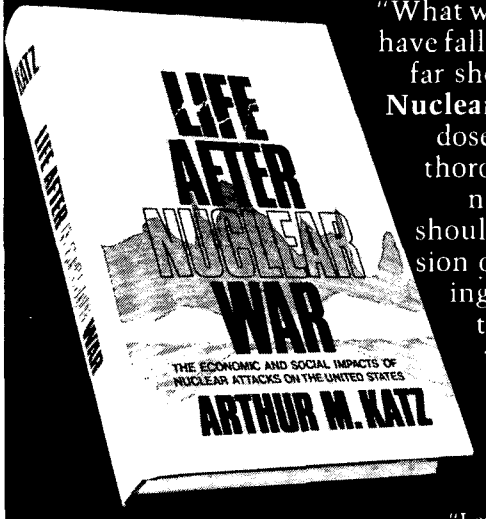

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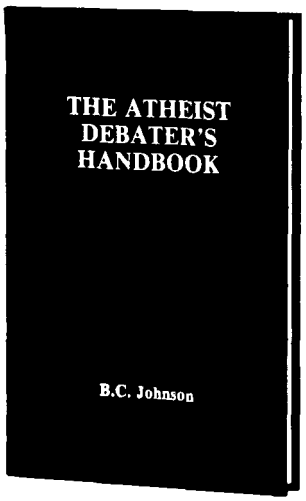

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nationalization of policies and politics mattered in enlarging and humanizing the welfare state."

*IN THE FACE OF THIS PRE*disposition on the part of the author, it is not surprising that this book pays no serious attention at all to the question, Are there any alternatives to government action in this area? and even less to the question of whether government programs in fact accomplish what they purport to be aiming at. Instead, a large part of the book examines a false alternative in great detail: Should the government train people to help themselves, or should it provide income maintenance?

But there is another sort of "structuralist" analysis possible of the data of this period, one which views the failure of economic growth to solve the problems of poverty as at least in part the product of bureaucratic action. Writers with a spectrum of opinions, from Thomas Sowell (who is sometimes labeled a conservative) to Richard Cloward and Frances Fox Piven (who were closely involved in

the poverty movement of the sixties), have brought us the evidence that it is often government programs themselves that foster economic distress and even racial discrimination. Government programs in housing and education have failed so miserably that there are now fairly broad movements afoot to bring the market back into those fields. Thirty years of government housing programs and urban renewal—as well as inflation—for instance, have produced a situation in which only one U.S. family out of twenty can afford to buy a home, and an acute nationwide rental-housing shortage affecting 26 million families who rent. By the end of the period with which this book deals, it had also become clear that, at a time when the school population was declining, federal intervention and spending on education were increasing *and* literacy rates and test scores were decreasing—the bureaucracy was spending more and more on fewer and fewer pupils with worse and worse results. During the 1970s, public-school enrollment fell by nearly 2 million pupils, or about 4.6 percent, while the average per-pupil cost of public education increased 154 percent—from $816 per year in 1960–70 to over $2000 in 1979–80. By 1980, according to education theorist E. G. West, it cost on the average twice as much per pupil to educate a child in a public school as in a private school.

Obviously, when government programs preempt such areas of life as education or housing for the poor and then fail, the poor are likely to remain poor. The welfare system, however, has a positive function for the bureaucracy—it covers up the mistakes and inadequacies of other government programs.

When urban renewal destroys three housing units for every one it replaces, the dispossessed, unable to afford higher rents for the units still available, go on welfare. When government monetary policies cause inflation that wipes out the savings with which the elderly intended to supplement their pensions, the dispossessed go on welfare. When minimum-wage and licensing laws destroy jobs and entrepreneurial opportunities for economically marginal people, the jobless go on welfare. When the tax and regulatory structure stifles economic growth and dries up risk capital that might have built new businesses, including black businesses, the jobless *stay* on welfare. From this point of view, the role of the welfare system is to be the trash barrel of the bureaucratic state.

None of these points is so much as hinted at in *America's Struggle Against Poverty*, which is a reflection on the superficiality of establishment thinking on the subject. The crucial studies in this area, which for the most part remain to be done, will be along different lines—studies of how *both* taxpayer and slum dweller are victimized by the existing welfare system, and of how the coercive financing of programs is not only morally unjustifiable but counterproductive. Patterson has amassed some data that could prove valuable in this task, but he has no interest in interpreting it in any way that might be detrimental to the government's welfare establishment. ❏

PACIFIC DESTINY: The Story of America in the Western Sea from the Early 1800s to the 1980s, by Edwin P. Hoyt. W. W. Norton, 324 pp., $16.95.

SENTIMENTAL IMPERIALISTS: The American Experience in East Asia, by James C. Thomson, Jr., Peter W. Stanley, and John Curtis Perry. Harper & Row, 323 pp., $17.50.

America's ocean

RICHARD DRINNON

TO THE ENDLESS LIST OF books that should have remained trees, naval historian Edwin P. Hoyt has already contributed more than his fair share, including *The Glorious Flattops* (1965), *Blue Skies and Blood* (1975), and *War in the Deep* (1978). Now out of the blue skies and briny depths of this swashbuckling past comes the book in which, according to the publisher, "Hoyt tells the story of the United States in the Pacific arena [*sic*, as if it were nothing but a place for war] from the beginnings to the present with verve that makes it more than mere history."

Nibble just a sampling of the vervy chapter titles: "Gridley Fired When He Was Ready"; "The Philippine Quagmire"; "Into the Suluan Soup"; "The Boxers Really Didn't Want to Box"; "The Cunning Japanese"; "The Wicked Japanese"; "The Nefarious Japanese"; "And MacArthur *Did* Return"; "But It Wasn't Easy"; and yet another quagmire, "Vietnam—Miscalculation."

Pacific Destiny is not the story of America in the Western Sea from the beginnings. Hoyt starts with a naval battle in Valparaíso Bay on March 28, 1814; the beginnings go back to 1784 when Robert Morris and his associates launched the China trade by sending the *Empress of China* from New York to Canton. Hoyt tells not the story of America but of the U.S. Navy in the

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Pacific, and that story has appeared less episodically in the volumes of Samuel Eliot Morison and William Reynolds Braisted.

Hoyt's few gestures toward fitting his naval heroics to foreign policy and mainland affairs are uniformly disastrous. In his hands the "destiny" that propelled the United States into Pacific quagmires becomes more mysterious than the urge behind a steer's plunge into a mudhole. " 'Manifest Destiny' ... meant colonial expansion," he writes, and blurs the necessary distinction between the ideology and the imperialist process itself. "This policy became known" as Manifest Destiny under President Benjamin Harrison, he writes and fails to inform the reader that the term had wide currency in the 1840s and that the expansion it spurred went back further still—nowhere does he evince awareness of Albert K. Weinberg's classic *Manifest Destiny* (1935). Even after the great victory at Manila Bay "President McKinley favored independence" for the Philippines, he writes in the face of all the historical scholarship showing that McKinley was inclined from the first to hold on to the islands. And the exchange of notes between Secretary of State Elihu Root and Ambassador Kogoro Takahira (November 30, 1908) Hoyt refers to as "the Root-Takahara treaty" and in such short compass manages to misspell the Japanese diplomat's name and mislabel an agreement that was never ratified by the U.S. Senate.

These and other elementary blunders appear in a text pockmarked by errors too numerous to mention and studded by howlers too good to pass by completely: To fill the ranks for TR's Great White Fleet extravaganza of 1907–9, "the major target of recruiting was the Middle West, for the navy wanted cleancut young men who had not previously been tarnished by the sea to show off in foreign climes." Understandably such untarnished heroes later came to regret Indochina: "From the standpoint of national heroism, the Vietnam War proved most unsatisfactory."

The sole merit of *Pacific Destiny* is the conclusiveness with which it demonstrates the persistence today of the attitudes that led the American conquerors into those Asian quagmires in the first place. Back home these attitudes have reduced the first Americans to "merciless Indian Savages," as they appear in the Declaration of Independence. In the Pacific they shape Hoyt's response to tribal peoples: "Like most Polynesians, the Marquesans were belligerent"; and "the [Gilbert] islanders were very wild." After white Americans taught the "notoriously slippery and ferocious" Malays a lesson in 1832, they "promised to behave, so peace was restored to Qualla Battoo, or what was left of it." A variation of the "cunning Oriental" theme Hoyt draws on for chapter titles is his flat declaration: Prior to Pearl Harbor "the Japanese had become exceedingly devious." And he leaves unconcealed his enthusiasm for the sign Admiral William F. Halsey had painted on his headquarters in Noumea: "Kill Japs, Kill Japs, Kill More Japs." Not surprisingly, Hoyt's index contains no entry for *racism*.

"For no particular reason," American diplomat Willard Straight had written a friend during the Russo-Japanese War, "with no real cause for complaint I now find myself hating the Japanese more than anything in the World. It is due I presume to the constant strain of having to be polite and to seek favors from the yellow people." Under the entry for *racism*, that and other evidence of the abiding lack of U.S. fondness for yellow people can be found in *Sentimental Imperialists* by James C. Thomson, Jr., Peter W. Stanley, and John Curtis Perry, all students of John K. Fairbank and Edwin O. Reischauer and respectively specialists in the history of China, the Philippines, and Japan.

'Pacific Destiny' demonstrates the persistence today of the attitudes that led America into those Asian quagmires in the first place.

SENIOR AUTHOR THOMSON, curator of Harvard's Nieman Foundation, has the great distinction of having resigned from the staff of the National Security Council at the height of the slaughter in Vietnam. Thereafter he became a dedicated opponent of the war. In a widely noted article in *Atlantic* (April 1968) he touched on an ingredient of U.S. policy he called cryptoracism (Asian indifference to life, all look alike, subhumanity) and drew on his own revealing experience: "Time and again I was told by men reared in the tradition of Henry L. Stimson that all we needed was the will, and we would then prevail. Implicit in such a view, it seemed to me, was a curious assumption that Asians lacked will, or at least that in a contest between Asian and Anglo-Saxon wills, the non-Asians must prevail." Thomson was perceptive about that curious assumption but also seemed strangely unaware of the preceding three and a half centuries of continental and oceanic conquest that had made self-evident the Anglo-American conviction that in any contest with nonwhites, dusky natives would surely lose.

Notwithstanding Thomson's insights that make his chapters on China stand out from the others (Perry's contribution on Japan is merely an able survey), he now writes with less urgency and still fails to dig down to the roots of the "curious assumption" and uncover there the fundamental continuity of continental and global imperialism. He reproduces the passage just quoted but removes Stimson's name (too offensive to those in Washington currently carrying on in that revered statesman's tradition?) and does not tie Indian-hating to anti-Orientalism and trace both to a common matrix that was by no means always covert. In 1846, for instance, Senator Thomas Hart Benton pronounced Indians inferior to Orientals and held that the former had been destroyed so whites could get at the latter and sting them into high "civilization." In 1870 Horatio Seymour, former governor of New York and the most recent Democratic candidate for U.S. president, put the question still more directly: "We do not let the Indian stand in the way of our civilization, so why let the Chinese barbarian?" And in 1981 one of Thomson's coauthors obligingly provided up-to-date evidence—like Hoyt's—on the persistence of such traditional American attitudes toward nonwhites.

Peter W. Stanley's chapters are largely a rehash of his *A Nation in the*

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Making (1974), wherein the Filipinos functioned as a backdrop against which white Americans projected their schemes of "modernization." Here they seem even to have lost that role: "Nobody seriously supposed that an independent Philippine government could survive by itself in that age of high imperialism." Nobody? That was untrue of many members of the Anti-Imperialist League in America, where individual somebodies thought such a government could indeed survive. And it was untrue of the Philippines, save that Emilio Aguinaldo—said by General Arthur MacArthur to be "the incarnation of the feelings of the Filipinos"—and his people have become nobodies in Stanley's text. Natives.

Stanley plays down their revolution, a topic illuminated recently by Usha Mahajani's *Philippine Nationalism* (1971). The ensuing U.S. war of subjugation "was filled with the most dreadful atrocities on both sides," he writes, suggesting therewith that uncountable and unanalyzable atrocities on both sides canceled themselves out, a suggestion Albert Camus would have called atrocity trading. Stanley's nonchalance about the loss of a quarter of a million Filipino lives (in contrast, some 4000 Americans died there) then is matched by his relative indifference to the bloody suppression of the peasant revolt of the 1940s and 1950s, a topic illuminated by Benedict J. Kerkvlient's *Huk Rebellion* (1977).

All the American reforms that brought desirable "infrastructure to the countryside" were capped by the election of Ramón Magsaysay as president in 1953: "Magsaysay presided over a kind of minor miracle, of which the United States was one of the chief architects." Treating readers like native nobodies with no need to know, Stanley does not divulge that Magsaysay's minor miracle was bought, packaged, and delivered by sentimental spooks working for the CIA.

In their conclusion, Thomson, Stanley, and Perry note that Americans often bathed their imperialism in "the soft wash of righteous humanitarianism." In the foreword to their book, John K. Fairbank asked, "But can't we do better in the times to come?" *Sentimental Imperialists* joins *Pacific Destiny* in a dire warning that we can't do better and should therefore avoid those times like the plague. Both books are strong arguments that we still prefer soft wash to a hard look at ourselves and our imperial past—and present. ❑

F I L M

***HOTEL DES AMERIQUES*, directed by André Téchiné.**

***GARDE A VUE*, directed by Claude Miller.**

***COUP DE TORCHON*, directed by Bertrand Tavernier.**

***EAUX PROFONDES*, directed by Michel Deville.**

A newer wave

STEPHEN HARVEY

*FOR YEARS NOW, THE PREvailing complaint among American admirers of the receding New Wave has been that the French film has become one of the world cinema's Neediest Cases. (A recurrent refrain in Paris as well, but then those folks never were too crazy about their own films to begin with.) Based on the skewed sampling of Gallic exports we usually get, it's tempting to concede the point—relentless "charm" comedies featuring pretty people eating profligately, smooching adulterously, and exuding lethal doses of compassionate *sagesse;* or else the latest dispatches from the circumscribed circle of Approved Auteurs, either a rueful nod to their own middle-aged randiness, or imitations of the very brand of slick dramaturgy they professed to despise as young critics during the 1950s. Unfortunately, we're unlikely to see a more complete picture of France's output anytime soon, thanks to the circular reasoning that rules the distribution of foreign films here: There's no market for movies that don't instantly conform to American notions of ooh-la-la Frenchiness, or that are made by directors without international reputations, so what's the point of unveiling them here in the first place?

No one is exactly languishing for the lack of France's commercial staples, localized variations on our own stock items. Annie Girardot's midlife crises are scarcely more illuminating than Jill Clayburgh's; Jean-Paul Belmondo twinkles first and shoots afterwards, just like Burt Reynolds, while in the stone-faced totem department, Alain Delon wouldn't induce many *frissons* in a public used to an annual regimen of Clint Eastwood. Where star-vehicle farce is concerned, Coluche loses something in the translation and the eternal Louis de Funès proves the maxim "Each country to its own taste," all right, inflicting their native brand of humor on others only at the risk of grave international misunderstandings. Nevertheless, it's not the French who are passing off Bertrand Blier's *Beau Père* or the current Truffaut as the (negligible) pinnacle of present-day achievement—the Blier tarried but briefly at Parisian cinemas this fall after an abrupt dismissal from the press, while *The Woman Next Door* was universally greeted with polite indifference. As I discovered during a recent visit, much more interest has centered on a spate of movies that possess qualities we used to take for granted in high-middle level Hollywoodiana—quirky variations on long-established genres, flavored with pungent writing, assured acting, and a combustive tension between the individual vision of their creators and the universal nature of the material they've chosen to interpret. The results are a curious mating of that French tradition of quality which reigned more or less unchallenged before the advent of the New Wave, and the matter-of-fact toughness that the French have always prized in our own pop-culture artifacts.

Hotel des Amériques, its title notwithstanding, is the most undiluted evocation of that old French school of wispy melancholia. The setting is an off-season Biarritz, chill-shrouded haven for the emotionally disoriented. Where once there was Jean Gabin of *Remorques* or Gerard Philipe in *Une Si*

STEPHEN HARVEY, INQUIRY's film reviewer, is coordinator of the film study program at the Museum of Modern Art in New York City and codirector of the museum's "Rediscovering French Film" series.

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Jolie Petite Plage, now the current generation's emotionally bruised heartthrob, Patrick Dewaere, sullenly braces himself against the grey damp without mirroring the malaise within. His misbegotten soul-mate is Catherine Deneuve, shoulders hunched inside Michele Morgan's castoff trench coat; cigarettes and happy pills only palliate the residual pain of her sad romantic past. For the duration of the movie, this couple alternately stalk and shy away from each other, mutually attracted by their wayward enigmas, terrified that their opposite number will reach down to the core of their secret miseries and drag them up to the surface.

Like such earlier André Téchiné movies as the all too aptly titled *Barocco* and *Les Soeurs Brontë*, which managed to make the Warners-De Havilland-Lupino version look like the authorized Gospel, *Hotel des Amériques* isn't so much an imitation of life as an impersonation of kitsch. Téchiné is one of those misguided directors who've read one tome too many on film theory (the late Roland Barthes was a personal chum, who played William Thackeray in his Brontë movie). His movies self-consciously replicate the cultural signposts which advanced types like Barthes claim to have unearthed from the rich loam of the popular moviemaking tradition. All of which gives *Hotel des Amériques* a preciously self-conscious air—it's more of a Sorbonne homework assignment than a fully fleshed movie in its own right. This structuralist/existentialist bonbon would have been utterly stale had it not been for the rich, somber glow of Bruno Nuytten's camerawork, and Deneuve's authentic display of synthetic diva-hood. This is her least opaque performance in years; the role is empty hypothesis, but her photogenic pantomime of turmoil is in the grandest tradition of movie-queen kabuki.

CATHERINE DENEUVE

PATRICK DEWAERE

ISABELLE HUPPERT

PHILIPPE NOIRET

NUYTTEN IS ALSO THE offscreen hero of an absorbing psychological thriller called *Garde à Vue*, which exploits its self-willed limitations with amazing resourcefulness. This airtight movie focuses on the methodical police shakedown of a suspect in a sordid murder case; for three-quarters of its length, *Garde à Vue* never strays from the single set of an antiseptic police precinct, inhabited solely by a deceptively avuncular police inspector (portly Lino Ventura), his hot-tempered assistant (Guy Marchand, France's best exponent of well-groomed slime, seen recently here as Isabelle Huppert's forbidding fiancé in *Loulou)*, and their indignant quarry, played by Michel Serrault, Zaza of *La Cage aux Folles*. The small-grained inflections of the performances give the movie much of its ominous tension; director Claude Miller constantly shifts our attention, and our sympathies, between the placidly self-confident cop and the timid, affronted bourgeois he seeks to cajole and browbeat into a confession. But it's the quiet virtuosity of Nuytten's work that transforms a potentially static talkathon into a vividly realized piece of film making. The human confrontation of the story is counterpointed by the photographed interplay between the unearthly fluorescence of the policeman's turf, and the palpable blue-velvet darkness of the natural world outside his control. In another age, a movie so adroitly combining burnished craftsmanship and small-scaled ambitions would scarcely have merited undue attention—after all,

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this was what most movies used to aspire to. Nowadays, the minor perfection represented by *Garde à Vue* seems just short of miraculous.

Among American audiences, Bertrand Tavernier is probably the least known of France's top-rung film makers; his *The Clockmaker* and *Let Joy Reign Supreme* enjoyed only the most cursory distribution in this country, and his other films have yet to be released here at all. (Nineteen eighty-two should change all that, as no less than three of Tavernier's films—*Coup de Torchon* included—are scheduled for American showings.) This probably has something to do with the fact that his work celebrates intelligence at the expense of passion; whatever the time frame of his film of the moment, Tavernier's subject is usually his own cool awareness of the irrational urges percolating beneath the well-ordered surface of Western life. His most frequent onscreen stand-in, the basset-faced Philippe Noiret, is the perfect embodiment of the hapless Tavernier anti-hero—a lucid, introverted intelligence out of sync with the flaccid bulk of the body that encases it. Like *Garde à Vue*, Tavernier's *Coup de Torchon* is a rather cerebral melodrama based on a pulpy English-language novel. (The book that inspired it was originally set in an American redneck backwater, transposed here to a French outpost in Africa during the late 1930s. Its author, Jim Thompson, has a virulent cult following among French literati, who go into shock on learning that a reasonably well-read American has never heard of him.) Yet in contrast to Miller's well-calibrated confinement, *Coup de Torchon* is a sprawling tangle of tangents, a black-comedy elegy to that generation of colonials who demonstrated their fitness to rule their supposed racial inferiors by conducting themselves like troglodytes dolled up in impeccable dress whites. Its remote Senegalese hamlet is the setting for a siege of petty one-upmanship within an incestuous circle of displaced Europeans, too raffish to qualify even as déclassés at home. Local sheriff, Noiret is the most debased of them all; too lazy and craven to impose anything more than a semblance of order, he's spat upon by the local traders and sharpies, and spurned by his slatternly wife. To preserve any vestige of human dignity, Noiret must dispense with his last shred of moral sense by annihilating his persecutors, in the knowledge that he is the law and therefore unassailable.

Everyone in *Coup de Torchon*'s unsavory animal kingdom is a figure of comic contempt, from Noiret's seedily preening brother-in-law who curls up in sis's lap for comfort, to the suet-headed chippie (Isabelle Huppert) who scampers gleefully into Noiret's arms once her loutish impediment of a husband is conveniently disposed of. The vitality of this acid portraiture is in part testament to the undiminished powers of screenwriter Jean Aurenche; now nearly eighty, Aurenche was responsible for such memorable films of the French classic period as *Devil in the Flesh* and *Forbidden Games*. Like Stanley Kubrick, Tavernier is a devotee of the Steadicam, a lightweight, hand-held camera that grants the film maker endless mobility even in the most confined spaces; he relentlessly circles these creatures like a buzzard in quest of fresh carrion. What distinguishes *Coup de Torchon* from most of its American equivalents is its playful cynicism—in a standard Western, great pains would be exerted to give the hero a moral justification for obliterating his adversaries. Tavernier fosters no such illusions; Noiret is merely a slightly more evolved form of lowlife, whose instincts turn out to be no less base than theirs, however understandable his motives. Although its rather protracted length (well over two hours) dilutes the movie's narrative impact, *Coup de Torchon*'s dispassionate perversity struck a responsive chord in French audiences—this has been the biggest commercial success of any Tavernier movie thus far.

THE UBIQUITOUS HUPPERT (visible on French screens in no less than five new films in 1981, including the notorious *Heaven's Gate)*, is less successfully utilized in Michel Deville's *Eaux Profondes*; as a middle-class wife whose exhibitionistically adulterous exploits are a murderous tonic for her repressed spouse, she's both too explicitly sluttish and about a decade too young for the part. Still, this adaptation of yet another English-language detective novel (this time by Patricia Highsmith, immortalized by Hitchcock through the film version of her *Strangers on a Train*, and currently lionized by the French) is another sure-footed example of thoughtful but unpretentious craft. Unlike the example set by the sweat-stained camp of our own *Body Heat*, Deville trusts the material enough not to try and goose it up with tons of high-tech style. Jean-Louis Trintignant's scaly gentility invests the hero with just the right implacable note of reptilian determination, and Deville's absorption in the anatomy of his poisoned relationship provides the rest. Classy divertissements like this, *Garde à Vue*, and the Tavernier film may be a good deal less than the movies are capable of, but they deliver up considerably more than the mean run of movies, foreign or domestic, has lately led us to expect. ❏

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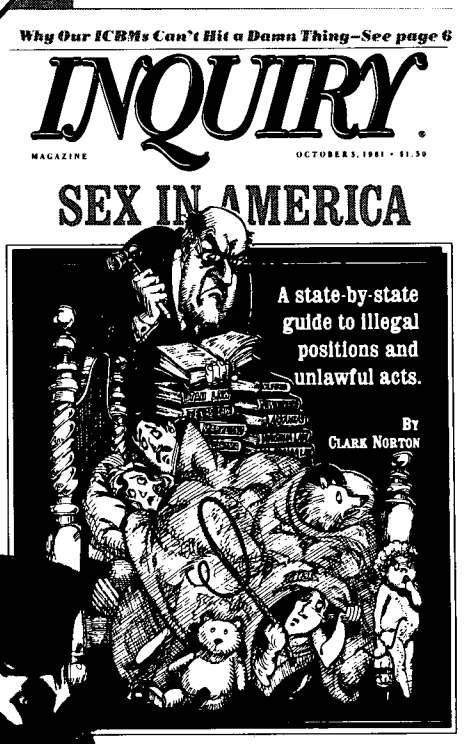
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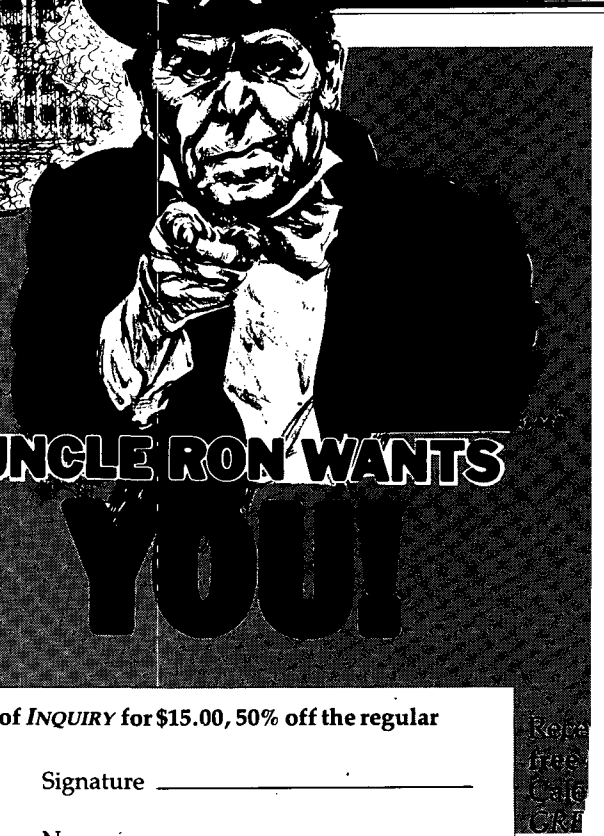

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